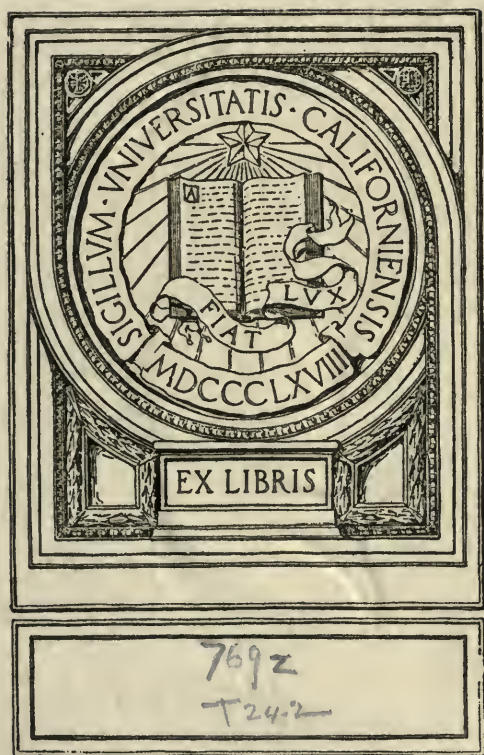


A COMMENTARY

ON THE ROMAN CONSTITUTION AND ROMAN PUBLIC LIFE SUPPLEMENTED BY THE SAYINGS OF CICERO





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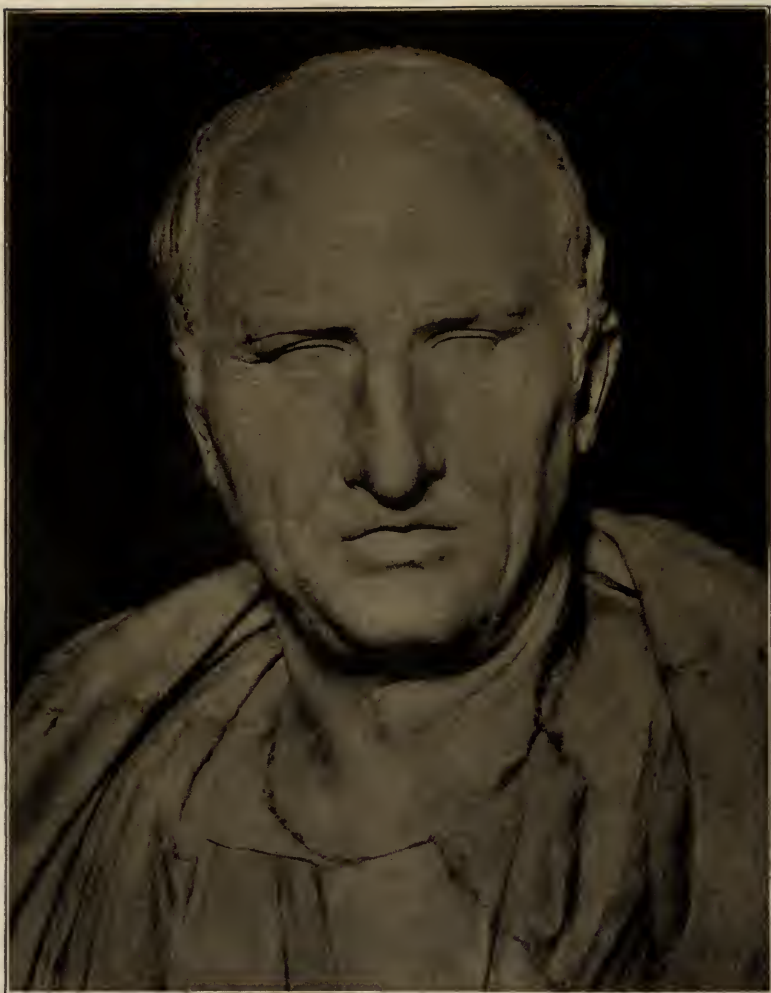
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CICERO

A Sketch of His Life and Works



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CICERO

A SKETCH OF HIS LIFE AND WORKS

A commentary

ON THE ROMAN CONSTITUTION AND ROMAN PUBLIC LIFE,
SUPPLEMENTED BY THE SAYINGS OF CICERO ARRANGED
FOR THE FIRST TIME AS AN ANTHOLOGY

BY

HANNIS TAYLOR

*Hon. LL.D. of the Universities of Edinburgh and Dublin and of
the Catholic University of America.*

AUTHOR OF "THE SCIENCE OF JURISPRUDENCE" (PRESENTED TO THE INSTITUTE
OF FRANCE, MARCH 13, 1909); "THE ORIGIN AND GROWTH OF THE ENG-
LISH CONSTITUTION;" "THE ORIGIN AND GROWTH OF THE AMERICAN
CONSTITUTION;" "INTERNATIONAL PUBLIC LAW;" "JURISDICTION AND
PROCEDURE OF THE SUPREME COURT OF THE UNITED STATES." SOME-
TIME MINISTER PLENIPOTENTIARY OF THE UNITED STATES TO SPAIN

Nostra autem respublica non unius esset ingenio, sed multorum, nec
una hominis vita, sed aliquot constituta seculis et aetatibus.

—*De Republica*, ii, 1.

Our Roman Constitution was not the product of the genius of any
one man, but of that of many; it was not evolved in any one lifetime,
but in the course of generations and centuries.

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To

Reid Hunt, M.D., Ph.D.

PROFESSOR OF PHARMACOLOGY IN HARVARD UNIVERSITY

THIS BOOK IS INSCRIBED BY HIS LOVING FRIEND

THE AUTHOR

344704

THE

CONSTITUTIONAL HISTORY OF THE UNITED STATES OF AMERICA

BY JAMES H. COHEN, LL.D., F.R.S.

LONDON: 1911

PREFACE

DURING the years devoted by the author to the preparation of *The Origin and Growth of the English Constitution*, now in the eighth edition, there was ever present in his mind the hope that the day would come when he would be able to draw out, upon a different plan and within a narrower compass, *The Origin and Growth of the Roman Constitution* down to the end of the Republican Period closed by Cicero's death in December, 43 B. C.

An American historian, in speaking of Daniel Webster, has said:

Had he stood in the market place, raised an arm, and frozen into silence, his erect figure would have been accepted as the bronze ideal of a statesman and defender of the constitution.¹

In a much more emphatic and exclusive sense was Cicero the ideal defender of the Roman Constitution; in a much more emphatic and exclusive sense was he the embodiment of the departing spirit of Roman Republicanism. Certainly, during the last days of the Republic, during his duel to the death with Octavian and Antony, Cicero could say without exaggeration, *L' état c' est moi!* "Beneath every shell there was an animal, behind every document there was a man." And so behind Rome's Republican Constitution there was in its last days a man who, as the holder, in the *cursus honorum*, of every great office in the state, moved every part of its complicated machinery; who, by his immortal discourses

¹ James Schouler, *History of the United States*, vol. iii, p. 301.

in the Forum, on the Rostra, and in the Senate, gave expression to its inner spirit.

As a dead language can only be quickened into life when we hear the voices of those by whom it was once spoken, so a dead constitution can only be quickened into life when we see the acts and hear the voices of those by whom it was kept in motion. The best possible commentary upon the Roman Constitution should therefore be found in the acts and declarations of the brilliant and devoted citizen who did most to expound it, and who perished in a vain effort to defend it.

With that assumption as its thesis this book will attempt to indicate what the Roman Republican Constitution really was, during the quarter of a century that preceded its overthrow, through the unfolding of the history of the immortal advocate, statesman, and philosopher who for ages has stood out before the world as its typical expounder and defender. Never before or since was the history of a constitution so completely embodied in the history of a man as that of the Roman Republic in the life of Cicero during the twenty-seven years, immediately preceding his death.

With the announcement made at the close of his famous speech in the case of Verres that he would appear no more in the courts as a prosecutor, Cicero's career as a statesman, in the largest sense of that term, really began. The twenty-seven fateful years that intervened between that time and his assassination by the Imperialists are so penetrated and illuminated by his speeches before the courts, the Senate, and the people; by his priceless letters, without which a large part of the contemporary history would be a blank; by his writings on government, law, and theology, and above all by his acts as consul in

defending the state when Catiline struck at its heart—that the life of Cicero and the life of the Republic, during the period in question, are an indivisible whole.

Irrevocably bound by his deepest convictions to the ancient popular constitution, perishing under the weight of its own success, we see him gradually sinking with it until he disappears beneath the horizon, touched by the light of its dying glory. All that was mortal of the most gifted son of ancient Italy went down in the wreck of the Roman Republic, but his immortal part survived as that of no other human being of his age has survived, because he was the most intellectual, the most spiritual, the least brutal, and above all the most deeply imbued with the instinct of immortality, embodied in the conviction—to use his own words:

The mind is the man, and not the figure which can be pointed at with the finger. Know, therefore, that thou art a divine being since it is a deity in thee which moves, feels, remembers, foresees, rules, and governs that body, over which it is placed, in the very same way as the Supreme Being governs this world.²

Nothing is more remarkable concerning the public life of Rome, when we consider it in its fullness as a stage upon which both advocates and statesmen could find opportunities for the unrestrained exercise of their powers, than the shortness of its duration. The great days of the Roman bar must really be measured by the professional lives of Hortensius and Cicero. The magnificent professional rewards they received had never been enjoyed by any of their predecessors; and after Cicero's death, which synchronized with the fall of the Republic, there were no longer free popular assemblies, or popular courts such as those before which he had won renown.

² Cicero, *De Republica*, vi, 24.

It is no exaggeration to say that the most brilliant era of Roman public life was ushered in by Cicero and closed by his death—he stood at its cradle and he followed its hearse. In his life its history is epitomized at its best. The history of that public life, forensic and tribunitian, should appeal with peculiar force to every American lawyer and statesman, embodying, as it does, a record of conditions so nearly identical with our own. It is impossible to contemplate the career of Cicero as an advocate, as a statesman, as a writer on the twin sciences of government and law, without being deeply impressed by the close resemblance between Roman public life as it existed in his time and American public life as it exists today.

When the foremost orator of the Roman Republic, after having won the leadership of the Roman bar, made his way into politics, becoming first a judge, then a senator, and finally an expounder of the theories of the twin sciences with which his public life had connected him, he blazed the path and created the models which have guided all American lawyers and statesmen who have attained to eminence through their discourses in the courts, before the people, or in deliberative assemblies. Ferrero made no mistake when he said:

In many matters the United States is nearer than Europe to Ancient Rome. First of all, it is a republic, as Rome was, while almost all of the European states are monarchies. That difference is probably a good deal more important than is generally believed. Further, while all the states of Europe are bureaucratic, the United States, like Rome, has an elective administration. Many public functions, which in Europe are confined to a professional bureaucracy, are exercised in America, as they were in Rome, by officers elected by the people. Now, one of the greatest obstacles a European finds to understanding the history of Rome

lies in the fact that, because he is accustomed to see states governed by pure bureaucracy, he finds it hard to imagine a state whose offices are almost all elective. This difficulty does not exist in the United States. An American understands easily the working of the old Roman State because he is a citizen of a state based on the same principle.³

The author hopes, however, that the sketch of the life and works of Cicero as unfolded herein will appeal to a far wider audience than that composed of lawyers and statesmen; he hopes that it will commend itself to all thinkers who are interested in the marvelous process through which the best and highest thought of Greece and the Orient, after being digested and re-stated by the great Roman philosopher, was passed on through him as a conduit between the Hellenized East and barbarous Europe.

The sustained and majestic splendor with which Cicero robed his thoughts has made his works models of style for all time. Quintilian tells us that Livy said that he would be the best writer of Latin prose who was most like to Cicero; and his ardent admirer, Gibbon,⁴ who declared that "the jurisprudence of his country was adorned by his incomparable genius which converts into gold every object that it touches," has paid a tribute higher still through the ceaseless, nay, almost monotonous flow of Ciceronian rhythm that pervades his prose; while Cardinal Newman has certified over his own hand that—

. . . as to patterns for imitation, the only master of style I have ever had (which is strange considering the differences of the languages) is Cicero. I think I owe a great deal to him, and, as far as I know, to no one else.⁵

³ Ferrero, *Greatness and Decline of Rome*, preface to Amer. Ed., iv.

⁴ Gibbon, *Decline and Fall of the Roman Empire*, iv, p. 457.

⁵ Newman, *Letters and Correspondence*, ii, pp. 426-427.

And yet, after every gift, every achievement in the brilliant and tragic life of the great Roman has been estimated at its full value, the fact remains that the supreme importance of his career to the modern world is embodied in his intellectual leadership of the spiritual and ethical revolution which prepared the people of the Mediterranean Basin for the advent of Christianity. No matter whether the tidal wave of new thought, known as Stoicism, that rolled from the Orient to Athens and from Athens to Rome, was a world-philosophy or a world-religion, it swept away the barriers between nation and nation through the creation of a cosmopolis or ideal world-state governed not by local codes, but by permanent, uniform, and universal law flowing from a single God who is Lord and Father—

. . . . a Supreme Deity, who governs the world with boundless power and benevolent will, and is manifested to men as the Logos, or "divine Word."⁶

By means of that magnificent notion of a single God as the source of natural law, Stoicism wrecked Pantheism, in substance if not in form, and thus opened the way for a new conception of the destiny of man as a member of a world-wide society in which all distinctions of race, caste and class were to be subordinated to the fatherhood of God and the brotherhood of man. In the *De Finibus* Cicero says:

There is nothing so eminent, nor so extensive in its operation, as that brotherhood between men, that agreement as to what may be useful to all, and that general love for the human race.⁷

⁶ E. V. Arnold, *Roman Stoicism*, pp. 17, 274, 281.

⁷ Cicero, *De Finibus*, v. 23.

Less than a century and a half before the birth of Christ, the new philosophy of inward defense and defiance — “The earliest offspring of the religious consciousness of the East and the intellectual culture of the West”⁸ — took sudden possession of all the higher classes at Rome, including the jurists, who were completely enthralled by it. That event became a turning point in the juristic history of the world because, just at the moment when it became necessary to extend the local code of a city-state over a growing empire that aspired to universal dominion, the Stoic philosophers armed the Roman jurists with their unique invention of a law of nature, “proceeding from Zeus and the common nature,” which, as the law of the Stoic world-state embracing all mankind, was necessarily universal. Out of the fusion of the Stoic theory of a natural and universal law with the common roots extracted by the *praetor peregrinus* from the local codes of all the states with which Rome was then in contact arose the *jus gentium* — the law common to all nations — by whose broad concepts the strict and archaic code of Rome was largely superseded. At last it could be said: “Roman law was finished; the local law of a city had passed into a law available for the world in general.”⁹ Before the fall of the Republic the *jus gentium* had assumed definite form; and upon Cicero — the great interpreter, the master of expression, the author of the first philosophic treatises in the Latin tongue — naturally devolved the duty of defining it. With his mind radiant with the new Stoic conception of a single, law-creating God he was the very first to announce to the world the fact that the *jus gentium* was —

⁸ J. B. Lightfoot, *Philippians*, p. 274.

⁹ Rudolph Sohm, *Institutes*, p. 86.

. . . not to be one law for Rome, another law for Athens, one law today and another law tomorrow; but one eternal and immutable law for all nations, and for all ages, as God the common master and ruler of all — the discoverer, the interpreter, the enactor of the law — is one.¹⁰

With all the faithfulness with which Cicero reproduced the Stoic conception of a law of nature, he reproduced the Stoic conception of ethics by which in his later years he was completely mastered and overcome. The fact is that the one was the corollary of the other. Stoic ethics rested primarily not on the needs of the individual, but on the demands of the supreme law, the "universal law, bidding us to do this and refrain from that." The ultimate end of Stoicism, justly called the bridge between ancient and modern philosophical thought, was to create a good citizen, with a high-thoughted soul, who, guided by the examples of wise men, could rise above nationalism, antiquity, custom, pride, and prejudice, into the realm of universal reason and individual liberty.

As we shall see hereafter, that lofty ideal of a good citizen was the weapon Cicero seized upon when, with the zeal of an enthusiast and the power of a Titan, he essayed the impossible task of saving the Roman Republic through a social, moral, and political regeneration of the governing classes of Roman society. The first appeal made in the *De Republica* culminated in "Scipio's Dream," in which the good citizen is told that —

. . . to defend the state with the greater cheerfulness, be assured that for all those who have in any way conduced to the preservation, defense, and enlargement of their native country, there is certainly a place in heaven, where the blessed shall enjoy eternal life.¹¹

¹⁰ *De Repub.*, iii, 22.

¹¹ *Ibid.*, vi, 13.

As further elaborations of that civic gospel, followed the *De Finibus*, on the ultimate foundation of ethics; the *De Officiis*, a treatise on practical ethics, called by Frederick the Great "the best work on morals that has ever been or can be written"; and the *Tusculanae Disputationes*, on incidental questions concerning ethics, in which are re-examined the problems propounded in the *De Republica* from a moral and social, rather than from a political point of view. Thus it appears that these deathless compositions upon the subjects of ethics and politics that still stir and guide the world were not fabricated as abstract speculations by an isolated thinker in "the unvexed silence of a student's cell," but by a practical statesman and ardent patriot who, in the presence of a rapidly approaching crisis, was striving to save from wreck and ruin an ancient popular constitution whose life depended absolutely upon the virtue and patriotism of its citizens.

In his efforts to arouse his countrymen to a nobler sense of civic duty and patriotism, Cicero did not hesitate to offer, without reserve, rewards in a higher life beyond the grave. Armed with the new Stoic conception of a single, law-creating God, and with that logic in which the Stoics so excelled, he undertook to re-define the immortality of the soul, and a conscious personal existence after death, in a civic heaven, if you please, with a distinctness and convincing power which a pantheistic philosopher like Plato, not so armed, had never been able to impart to such thoughts.

In one place he writes:

Therefore, for many other reasons, the souls of the good appear to me to be divine and eternal, but chiefly on this account, because

the soul of the best and wisest has such anticipation of a future state of being, that it seems to center its thoughts only on eternity.¹²

In another:

For we have not been framed or created without design nor by chance, but there has been truly some certain power, which had in view the happiness of mankind, neither producing nor maintaining a being, which, when it had completed all its labors, should then sink into eternal misery of death; rather let us think that there is a haven and refuge prepared for us.¹³

In still another:

Death is no annihilation, carrying off and blotting out everything, but rather, if I may so describe it, a change of abode, and an alteration in our manner of life.¹⁴

Finally, he declares:

I have often read and heard that there is nothing evil in death; for, if there is a survival of consciousness, it must be considered immortality rather than death; while if consciousness is destroyed, that can hardly be reckoned unhappiness, of which we are unconscious.¹⁵ . . . There is certainly a place in heaven where the blessed shall enjoy eternal life.¹⁶

Endowed with an introspective mind capable of dramatizing thoughts that live and move as immortalities in the realm of the unseen, Cicero, during the closing years of his life, answered the question of questions, "If a man die, shall he live again?" with a vividness and convincing power never equalled before, and never surpassed by mortal man until the New Revelation spoke through the inspired lips

¹² Cicero, *Pro C. Rabirio Perduellionis*, 10.

¹³ Cicero, *Tusculanae Disputationes*, i, 49.

¹⁴ *Ibid.*, i, 12.

¹⁵ Cicero, *Ad Familiares*, v, 16.

¹⁶ *De Repub.*, vi, 13: "Certum esse in caelo definitum locum, ubi beati aevo sempiterno fruuntur."

of St. Paul. The transcendent geniuses, the deathless orators of a marvelous epoch were Cicero and St. Paul.

Is it therefore strange that the early Christian fathers who gave scientific form and logical consistency to Christian theology and ethics should have embraced with an enraptured tenderness the "Pagan Christian" who had been illumined by the first premonitory rays that fell from the rising Light of the World? Beginning with Minutius Felix and Lactantius, the tide of Ciceronian influence upon Christian thought, which Tertullian strove in vain to check, flowed steadily on until it reached its high-water mark in the writings of St. Ambrose, St. Jerome, and St. Augustine. The first named, the famous bishop of Milan, clearly perceiving that in the new Christian literature there was an utter lack of a complete and harmonious system of Christian ethics, undertook to supply it in his *De Officiis Ministrorum*, modeled without disguise upon Cicero's *De Officiis*. The second so far lost himself in the study of his favorite author that, as he tells us himself, Christ came to him in a dream, during a critical illness at Antioch, and reproached him because he was more of a Ciceronian than a Christian. The third, who occupies a theological position really unrivalled—as no single name has ever possessed such power over the Christian church, as no single mind has ever made such a profound impression upon Christian thought as that of St. Augustine—went so far as to attribute the beginning of his conversion to Christianity to the study of Cicero's *Hortensius*. In the history of the transmutation of human thought few things are more imposing than the meeting of the mind of the last and greatest philosopher of pagan Rome with that of the first really great philosopher of the Latin church.

Cicero's leading works found a prominent place in nearly all of the early Christian monastic libraries; and when the treasure house of ancient thought the Middle Ages had guarded was reopened at the dawn of the Italian Renaissance, we find him the literary idol of Petrarch who, when strangers crowded around him, asking what presents they could send him from distant lands, invariably answered: "Nothing but the works of Cicero." In referring to those works, Petrarch said: "You would fancy sometimes it was not a pagan philosopher, but a Christian Apostle, who was speaking"; and Anthony Trollope has declared that—

. . . . had he lived a hundred years later I should have suspected him of some hidden knowledge of Christ's teachings. . . . This pagan had his ideas of God's governance of men, and of man's required obedience to God, so specially implanted in his heart that he who undertakes to write his life should not pass it by unnoticed.¹⁷

In the light of such a record, who can doubt that the persistency of Cicero's intellectual influence through the centuries has depended largely upon its spiritual and ethical undertone which influenced so profoundly the thought of the early Christian church?

¹⁷ Trollope, *Life of Cicero*, ii, pp. 322-324.

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CICERO

CHAPTER I

INTRODUCTION

AFTER twenty centuries of fame and influence Cicero, who at a turning-point in the world's history stood second only to Caesar himself, survives as the most important connecting link between the ancient and the modern world. His works have stood time's crucial test. In the transmutation of human thought they have not been absorbed; they have not melted down into the mass; they have not lost their identity. At the end of twenty centuries all of his more important compositions live on as distinct and familiar personalities known to all mankind.

Twenty centuries of fame and influence.

Endowed with a mind marvellous in its range and unlimited in its power to grasp and hold everything, the brilliant son of ancient Italy, after possessing himself of the entire deposit of thought made by the Greeks with the Romans, transmitted it to posterity through the Latin tongue which he vastly enlarged and enriched in order to render it capable of the task he imposed upon it. In that way he has won a place at once august and unique as the interpreter and transmitter of the thoughts of the ancient to the modern world. He is the greatest of all envoys to the Christian present from the pagan past. He described his own mission when he said: "History is the witness of the times, the torch of truth, the life of memory, the teacher of life, the herald of antiquity."¹

Cicero "the herald of antiquity."

¹ "Historia testis temporum, lux veritatis, vita memoriae, magistra vitae, nuntia vetustatis." — Cicero, *De Oratore*, ii, 9.

His works
the unpre-
meditated
outcome of
his career.

The Forum
as a popular
university.

Tyrrell's
brilliant
tribute.

The persistency of Cicero's intellectual influence can only be explained by the fact that the works in which his thoughts are embodied were the natural and unpremeditated outcome of the career of an intensely human and rarely gifted man who was ever applying the fruits of abstract speculation to the practical problems of life at a time when such problems were passing through the crucible of a profound political and spiritual revolution. His first ambition was to become an advocate, a leader of the Roman bar, at a time when the Forum was a great popular university in which the Roman people gathered for instruction at the hands of the orators, forensic and tribunitian, whose discourses, after being taken down by shorthand writers,² were circulated through the provinces. The famous Ciceronian scholar, Tyrrell, in describing the influence of Cicero's orations on public opinion, has said:

His speeches discharged the highest work now done by our best newspapers, magazines, and reviews. To gain Cicero was what it would be to secure the advocacy of the *Times*; or rather what it would be were there no other paper, review, or magazine but the *Times*, and were the leaders of the *Times* written by Burke and Sheridan. . . . They put the public in possession of the circumstances in each case,³ and taught them to look on these circumstances with the eyes of the speaker and his party; they converted resistance into acceptance, and warmed acceptance into enthusiasm;

² See pp. 79, 159.

³ In his defense of Sulla, Cicero tells us (xv) that in order to arouse public opinion in his favor in the affair of Catiline he had copied and distributed the depositions of the witnesses against the conspirators. "I did not keep it [the testimony] at my own house; but I caused it at once to be copied out by several clerks, and to be distributed everywhere, and published and made known to the Roman people. I distributed it all over Italy. I sent copies of it unto every province." From Pliny (*Epistolae*, iv, 7) we learn that the old reformer Regulus, having lost his son, distributed 1,000 copies of his eulogy upon him to be solemnly read in the principal cities of the Empire. These are the most striking illustrations of the multiplication of documents in the ancient world.

they provided faith with reason, doubt with arguments, and triumph with words.

In the great days of Cicero and Hortensius the vast quadrilateral or open-air theatre known as the Forum, with its porticoes and colonnades filled with crowds that overflowed its limits and extended to the surrounding temples, held the largest and most brilliantly lighted stage upon which ambitious men had ever played. There was no limit to the rewards that might be won by eloquence: first, princely fortunes sufficient to support mansions on the Palatine and luxurious country villas in every quarter; next, political office and senatorial rank, coupled with the right to rule and rob an Eastern province. Excepting the last, Cicero improved every opportunity which leadership of the Roman bar afforded, bequeathing in return to posterity masterpieces of forensic eloquence which have remained as models for all time.

Great days of
Cicero and
Hortensius.

His marvellous success as an advocate transformed him into a statesman, and his mission as statesman transformed him into a philosopher, or rather into a great moral teacher who, in his later years, devoted himself with passionate earnestness to the task of saving the Roman Republic through a tremendous moral appeal to its citizenship at a time when social order was in danger of being overwhelmed by avarice, luxury, and debt. The first appeal made in the *De Republica*,⁴ in which the author says: "in civil dissension, when the good citizens are more important than the many, I think citizens should be weighed, not counted," culminated in "Scipio's Dream," in which the good citizen is told that—

Cicero as
a moral
teacher.

*De
Republica.*

. . . to defend the state with the greater cheerfulness, be assured that for all those who have in any way conduced to the preserva-

⁴ *De Repub.*, vi, 1.

tion, defense, and enlargement of their native country, there is certainly a place in heaven where the blessed shall enjoy eternal life.⁵

*De
Legibus.*

On the heels of that appeal, and as an extension of it, came the *De Legibus*, in which he strove with even greater earnestness to bring home to all citizens who entertained the sentiment of national honor, the conviction that the integrity and excellence of the state must ever depend upon the integrity and excellence of their lives and manners. As further elaborations of that civic gospel followed the *De Finibus*, on the ultimate foundations of ethics; the *Tusculanae Disputationes*, on incidental questions concerning ethics; and the *De Officiis*, a treatise on practical problems propounded in the *De Republica* from the moral and social rather than from the political point of view.

*De Finibus,
Tusculanae
Disputa-
tiones,
De Officiis.*

Thus it appears that these deathless compositions upon the subjects of ethics and politics that still stir and guide the world were not fabricated as abstract speculations by a lonely thinker in "the unvexed silence of a student's cell," but by a practical statesman, and ardent patriot, who, in the presence of a rapidly approaching crisis, was striving to save from wreck and ruin an ancient popular constitution whose strength depended absolutely upon the virtue and patriotism of its citizens.

Their author
does not
belong
to the
"classicists."

Certainly there is no reason why the history of the life of this busy advocate, statesman, and essayist upon the problems involved in practical ethics, politics, and law, should belong in any special sense to those who are called scholars or "classicists." It requires, no doubt, an unusual effort for one of that class to grasp its larger meaning and real significance because, "the modern scholar is apt to be like a caterpillar spun up in his own cocoon; unable

⁵ *De Repub.*, vi, 13.

to get away from his critical and eruditional point of view. But Cicero had no eruditional view at all."⁶

No matter whether it be classicist or publicist who attempts to solve the problem of problems involved in Cicero's life, no progress will be made unless he is clear-visioned enough to brush aside the thin veil that conceals the fact that when the great orator laid down the dexterous arts of the advocate and assumed the stern moral and patriotic duties of the statesman, he at the same time put aside the quibbling skepticism of the Academy for the lofty precepts of the new world-religion known as Stoicism, by which the jurists of Rome became completely enthralled.

Cicero's
relation to
Stoicism.

That new philosophy, "the earliest offspring of the union between the religious consciousness of the East and the intellectual culture of the West,"⁷ which came to Rome by the way of Greece, undertook to sweep away the barriers between nation and nation through the creation of an ideal world-state, governed, not by local codes, but by permanent, uniform, and universal law flowing from a single God, who is Lord and Father, "a Supreme Deity, who governs the world with boundless power and benevolent will, and is manifested to men, as the Logos or 'divine Word.'"⁸

Ideal
world-state.

By that magnificent notion of a single God as the source of natural law, Pantheism was wrecked in substance, if not in form, and the way opened for a new conception of the destiny of man as a member of a world-wide society in which all distinctions of race, caste, and class were to be subordinated to the fatherhood of God and the brother-

God as
source of
natural law.

Fatherhood
of God and
brotherhood
of man.

⁶ E. G. Sihler, *Cicero of Arpinum*, p. 408.

⁷ Lightfoot, p. 274.

⁸ Arnold, p. 17.

hood of man. Armed with that new Stoic conception of a single and law-creating God, and with that logic in which the Stoics were such adepts, Cicero was able to redefine the immortality of the soul and conscious personal existence after death, in a civic heaven, if you please, with a distinctness and convincing power which a dreaming philosopher like Plato, not so armed, had never been able to impart to such thoughts.

Stoic ideal
of a good
citizen.

The ultimate end of Stoicism was the creation of a good citizen, with a well-disposed soul, who, guided by the examples of wise men, was capable of rising above nationalism, antiquity, custom, pride, and prejudice into the realm of universal reason and individual liberty. As we shall see later on, that ideal of a good citizen was the weapon Cicero seized upon when, with the zeal of an enthusiast and the power of a Titan, he essayed the impossible task of saving the Roman Republic through a social, moral, and political regeneration of the governing classes in Roman society.

Rewards
in a life
beyond
the grave.

In his efforts to arouse his fellow-citizens to a higher sense of civic duty he offered without reserve rewards in a higher life beyond the grave. He did not hesitate to say to his fellowman: "You were born not by chance, but in obedience to the law of the 'Lord and Father,' who will not only care for you while you are here, but will provide for you an eternal haven of rest and glory after death."⁹

Definitions
of immor-
tality.

It is impossible to contest the fact that Cicero, who passed out of the world forty-three years before Christ came into it, defined the doctrine of a personal and conscious existence of the soul in a realm beyond the grave

⁹ *Pro C. Rab., per d., 10.*

where the good are glorified and rewarded by one Supreme God, with a logical cogency and fervor far beyond any declarations ever made on that subject prior to that time. There is no reason, however, to assume that Cicero's spiritual insight was keener than that of Plato; the explanation of his advance beyond him is to be found in the fact that he was armed with the magnificent conceptions of Stoicism which reached its maturity long after Plato's time.

Who can doubt that the persistency of Cicero's intellectual influence through the centuries has depended largely upon its spiritual and ethical undertone which impressed itself so profoundly upon the thought of the early Christian church? It is impossible to ignore the fact that during the years immediately preceding the advent of Christianity the brilliant and earnest expounder of Roman Stoicism was educating the peoples of the Mediterranean Basin up to a point at which they could listen with better understanding to the teachings of St. Paul, who, while of Jewish descent, was a Hellenist, speaking that idiom of the Grecian Jews in which his letters were written. He was brought up at Tarsus in the province of Cilicia, the native country of the famous Stoic Chrysippus, and of Aratus, the Greek poet of Cilicia, whom he quotes.¹⁰

Cicero's
influence on
the early
Christian
church.

St. Paul,
Chrysippus,
and Aratus.

In his Cilician correspondence, from which much of our best information as to the state of the Roman provinces is derived, Cicero, who was governor of Cilicia about half a century before the birth of St. Paul, speaks in very emphatic terms of the universal extension of the Greek

¹⁰ Cf. Conybeare and Howson, *The Life and Epistles of St. Paul*, pp. 19, note 1, 328, note 4; cf. also, "As certain also of your own poets have said, 'For we are also His offspring.'" — *Acts*, xvii, 28.

tongue among its educated classes. It is beyond all question that the Apostle of the Gentiles was—

St. Paul's
"Stoic
ways of
thinking."

. . . . steeped in Stoic ways of thinking, which are continually asserting themselves in his teaching without being formally recognized by him as such; and during the whole of the second century A.D. men trained in Stoic principles crowded into the Christian community. Within it they felt they had a special work to do in building up Christian doctrine so that it might face all storms of criticism. This effort gradually took the shape of schools modelled upon those of the philosophic sects. Such a school was founded by an ex-Stoic named Pantaenus at Alexandria in 181 A.D.; and his successors Clemens of Alexandria (ob. c. 215 A.D.) and Origenes (c. 186-253 A.D.) specially devoted themselves to developing the theory of the divine nature upon Stoic lines. Not all the particulars they suggested were accepted by the general feeling of the Christian body.¹¹

Pantaenus,
Clemens,
and Origenes.

Minucius
Felix.

The first, perhaps, among the truly Christian writers to be directly influenced by Cicero was Minucius Felix, whose only extant work, the *Octavius*, a real gem of early Christian literature, embodies a dialogue between a pagan and a Christian, whose form is modelled on the *De Natura Deorum* and the *De Divinatione*. It would not be too much to say that this first product of Latin literary Christianity is Ciceronian in its order and distribution; Ciceronian in the choice and use of the dialogue form; and Ciceronian in its thought and composition.

Lactantius.

Next comes Lactantius, who, from the beauty of his style, has been called the "Christian Cicero" by the humanists, because he exhibits many of the defects as well as the graces of his master. In his works—especially in the *De Opificio Dei*, in the treatise, *De Ira Dei*, which St. Jerome called an epitome of Cicero's dialogue, and in his great work, *Divinarum Institutionum*—he does lit-

¹¹ Arnold, pp. 414, 432.

tle more than paraphrase his pagan teacher, a fact recognized by such widely divergent mentalities as St. Jerome, Prudentius, Luther, and Kant.

Despite the efforts of Tertullian—who is said to have created Christian Latin literature in a Christian Latin language which had its origin, not in the literary language of Rome as developed by Cicero, but in the language of the people as we find it in Plautus and Terence—to stem the tide of Ciceronian influence upon Christian thought, it flowed steadily on until it reached the high-water mark in the writings of Sts. Ambrose, Augustine, and Jerome, the three great Fathers of the Latin church. Tertullian.

The first named, the famous bishop of Milan, clearly perceiving that in the new Christian literature there was the lack of a complete and harmonious system of Christian ethics, undertook to supply it in his *De Officiis Ministrorum*, modelled without disguise upon Cicero's *De Officiis*.¹² He deviated, however from the original by drawing his examples, not from Roman history as Cicero had done, but from the Old Testament, ingeniously suggesting in that way that all the wisdom of the pagan philosophers was already known to the Patriarchs. Unable to free himself from the Stoic elements he found in his pagan model, he accepted the Stoic distinction between duties and offices, and the four cardinal virtues as Cicero had stated them. This well-balanced product of St. Ambrose's later years was prized and read through the entire Middle Ages. St. Ambrose's
Christian
ethics.

In St. Jerome, the contemporary and correspondent of the bishop of Milan, we find another Ciceronian who, as a teacher of the classics in his remote monastery at Beth- St. Jerome's
dream.

¹² In his work *De Tobia*, St. Ambrose quotes the words of Cato as found in Cicero's *De Officiis*, ii, *circa finem*.

lehem, gave the preference to his favorite author, quoting him constantly and lovingly in all his works, which have a certain classical coloring on that account. After the bitter controversy concerning Origen, his enemy Rufinus made his love and admiration for Cicero one of the chief accusations against him.¹³ That accusation against St. Jerome was repeated, however, in a much more serious form, as he tells us himself, in the famous dream¹⁴ in which Christ came to him and reproached him with caring more to be a Ciceronian than a Christian. His response was a resolve to devote his scholarship exclusively to the Holy Scripture. "David was to be henceforth his Simonides, Pindar, and Alcaeus, his Flaccus, Catullus, and Severus."

St. Augustine.

A still more famous Ciceronian is to be found in St. Augustine, whose theological position and influence may be said to be unrivalled, as no single name has ever exercised such power over the Christian church, as no single mind has ever made such a profound impression upon Christian thought. He tells us that one day he came across a book written by a certain Cicero whose tongue all admire but whose heart and soul few understand. *Cujus linguam fere omnes mirantur, pectus non ita.* That book, containing Cicero's exhortation to the study of philosophy and called *Hortensius*, changed the whole course of his life, turning his thoughts to God in such a way that henceforth his wishes and desires were entirely different from what they had been before.

Influence of *Hortensius*.

How did I then burn, my God, how did I burn to remount from

¹³ Jerome, *Adversus Rufinum*, i, 30.

¹⁴ "Itaque miser ego lecturus Tullium, jejunabam. Post nocturnas vigilas, post lacrymas, quas mihi praeteritorum recordatio peccatorum ex imis visceribus eruebat, Plautus sumebatur in manus." The dream is mentioned in the twenty-second letter to Eustochium.

earthly things to Thee, nor knew I what Thou wouldest do with me. For with Thee is wisdom. But the love of wisdom is in Greek called *philosophy*, with which that book inflamed me. . . . It infused into me not only its style but its matter. [He adds] I was delighted with that exhortation, so far only, that I was thereby strongly roused and kindled and inflamed to love and seek and obtain and hold and embrace not this or that sect, but wisdom itself whatever it were; and this alone disappointed me thus enkindled, that the name of Christ was not in it.¹⁵

Contained everything but name of Christ.

The tremendous impression thus made upon the most potent of the Christian Fathers by Roman Stoicism in the form in which Cicero had restated it in his *Hortensius*, influenced his whole life. In his *Soliloquies* (i, 10) he attributes to Cicero's influence his theory concerning riches: *Prorsus mihi unus Ciceronis liber facillime persuasit nullo modo appetendas esse divitias*. In his book *De Magistro* he puts him above all other Latin writers: *Quid in lingua latina excellentius Cicerone inveniri potest?* In his work *Contra Academicos* (iii, 16) he says that Cicero is the indefatigable educator of youth toward virtue and truth, declaring at the same time that he is the greatest Roman philosopher.

Soliloquies.

It is, however, in his most elaborate work, *The City of God*, designed as a great apologetic treatise in vindication of Christianity and the Christian church—the latter rising in the form of a new civic order on the crumbling ruins of the Roman Empire—that we find what is perhaps the most striking illustration of Ciceronian influence. In that work St. Augustine gives the following analysis of Cicero's magnificent disquisition on Political Justice as contained in the third book of the *De Republica*, designed

The City of God.

Analysis of third book of *De Republica*.

¹⁵ "Et hoc solum me in tanta flagrantia refrangebat, quod nomen Christi non erat ibi." — Augustine, *Confessions*, iii, 6. Translation by E. B. Pusey.

to maintain the absolute verity of the priceless proverb that "Honesty is the best policy."

In the third book of Cicero's *Commonwealth* [St. Augustine says] the question of Political Justice is most earnestly discussed. Philus is appointed to support, as well as he can, the sophistical arguments of those who think that political government can not be carried on without the aid of injustice and chicanery. He denies holding any such opinion himself; yet, in order to exhibit the truth more vividly through the force of contrast, he pleads with the utmost ingenuity the cause of injustice against justice; and endeavours to show, by plausible examples and specious dialectics, that injustice is as useful to a statesman as justice would be injurious. Then Laelius, at the general request, takes up the plea for justice, and maintains with all his eloquence that nothing could be so ruinous to states as injustice and dishonesty, and that without a supreme justice, no political government could expect a long duration.

This point being sufficiently proved, Scipio returns to the principal discussion. He reproduces and enforces the short definition that he had given of the Commonwealth—that it consisted in the welfare of the entire people, by which word "people" he does not mean the mob, but the community bound together by the sense of common rights and mutual benefits.

He notices how important such just definitions are in all debates whatever, and draws this conclusion from the preceding arguments that the Commonwealth is the common welfare, whenever it is swayed with justice and wisdom, whether it be subordinated to a king, an aristocracy, or a democracy. But if the king be unjust, and so becomes a tyrant, and the aristocracy unjust, which makes them a faction, or the democrats unjust, and so degenerate into revolutionists and destructives—then not only the Commonwealth is corrupted, but in fact annihilated. For it can be no longer the common welfare, when a tyrant or a faction abuses it; and the people itself is no longer the people when it becomes unjust, since it is no longer a community associated by a sense of right and utility, according to the definition.¹⁶

In the foregoing we have a most important aspect of

¹⁶ Augustine, *De Civitate Dei*, iii, 3-21.

Stoic ethics, as interpreted by Cicero, analyzed and accepted by St. Augustine as a part of the general sub-structure upon which Christian ethics were superimposed. In the history of the transmutation of human thought few things are more imposing than the meeting of the mind of the last and greatest of the Roman philosophers of the pagan period with that of the first really great philosopher of the Latin church. The chasm to be bridged was narrow, because Stoic ethics as developed by Cicero were advancing toward the standards of Christian ethics as developed by St. Augustine.

Stoic ethics
as sub-
structure of
Christian
ethics.

Great as was the influence of Roman Stoicism upon Christian ethics and culture, as interpreted by Cicero, greater still was its influence upon Roman law which drew its scientific form as world law from the Stoic invention known as the law of nature. Prior to the creation of the Stoic ideal of a world-state, governed by permanent, uniform, and universal law flowing from a single and supreme God as its source, all codes were looked upon as purely local creations, belonging exclusively to the citizens of the city-states that adopted them. In the following chapter an attempt will be made to explain how that primitive and narrow conception was forced to yield at Rome, under the influence of Stoic theory, to the higher conception embodied in the *jus gentium*, which Cicero was the first to describe when he said it—

Stoic influ-
ence on
Roman
law.

. . . . is not to be one law for Rome, another law for Athens, one law today, another law tomorrow, but one eternal and immutable law for all nations and for all ages, as God the common master and ruler of all, the author, the interpreter, the enactor of law is one.¹⁷

When we estimate the number and scope of all the

¹⁷ *De Repub.*, iii, 22.

Number
and scope
of Cicero's
extant
works.

extant works of Cicero, embracing as they do the orations, of which there are more than fifty; the philosophical and literary treatises, the principal of which are: *De Republica*, *De Legibus*, *De Finibus*, *De Officiis*, *De Natura Deorum*, *De Divinatione*, *De Oratore*, *De Claris Oratoribus*, *Academica*, *Tusculanae Disputationes*, *De Senectute*, and *De Amicitia*; and the correspondence consisting of nearly a thousand letters, it is hard to repress the thought that the sum total is as far beyond the reach of the mass of mankind as if it did not exist at all.

Inaccessible
to the many.

The general reader must ever regard the works of Cicero even as Emerson regarded the works of Goethe, seventy volumes in all, when, in one of his charming letters to Carlyle, he said: "Thirty-five I have read, but to compass the other thirty-five I can not." Works so extensive and profound as those of Cicero and Goethe can never be fully explored by the many; they can be viewed only in part through the medium of an anthology whose well-selected passages should be made to reveal from many angles, like the facets of a diamond, the central light within.

When we take into account Cicero's wonderful capacity for condensation, his power to dramatize thoughts, the marvellous faithfulness and fulness of his revelations of his innermost self, the mind is tempted to believe that many of his epigrammatic utterances were specially prepared as short messages to posterity. Fame has certainly secured to him everything except an anthology for which he evidently made preparation. While gems from the works of the gifted son of ancient Italy have for ages been scattered like stars through the firmaments of all literatures, in no language, so far as the author has been able to ascertain, is there any separate and distinct collec-

tion of his sayings, apart from the sayings of others, that may be called "The Anthology of Cicero."

Ruskin, in speaking of books made for all time, has said:

Ruskin's
comment on
books made
for all time.

Books of this kind have been written in all ages by their greatest men — by great readers, great statesmen, and great thinkers. They are all at your choice; and Life is short. . . . Thus is constituted a society continually open to us of people who will talk to us as long as we like, whatever our rank or occupation — talk to us in the best words they can choose, and of things nearest their hearts.¹⁸

Those who are unwilling to burn more incense to the admitted vanity of Cicero by erecting a throne upon which he may hold a perpetual court, as does Napoleon under the dome of the Invalides, may be comforted by the thought that we may humble him by compelling him to stand, hat in hand, ever ready to read to us from his anthology his choicest and only his choicest thoughts, whenever we may deign to grant him an audience.

In his *History of English Literature*, Taine has said:

Under every shell there was an animal and beneath every document there was a man. Why do you study the shell, except to represent to yourself the animal? So do you study the document only in order to know the man. The shell and the document are lifeless wrecks valuable only as a clue to the entire and living existence.¹⁹

Beneath
every docu-
ment there
was a man.

The only certain clue to Cicero's works is to be found in the man considered as a part of the history of the Roman Republic at a time when the primitive machinery of a city-state was breaking down under problems imposed by a rapidly growing empire; at a time when the ancient and archaic Roman code was being superseded by the *jus gentium*, destined to transform the law of a city into

¹⁸ John Ruskin, *Sesame and Lilies*, pp. 52-57.

¹⁹ Vol. i, p. 1.

Cicero
 "the pen and
 mirror of
 a great
 transition."

a "law available for the world in general;" ²⁰ at a time when Greek culture, including philosophy of the Stoic brand, was illuminating all that was best and strongest in Roman life. At such a moment Cicero became "the pen and mirror of a great transition in the political history of the Mediterranean world." ²¹

It is therefore necessary that "The Sayings of Cicero" should be prefaced by such a sketch of the man as will reveal something of the political conditions in the midst of which his stormy life began and ended; something of the history of the Roman Law and Roman bar at the time when his forensic triumphs were won; something of the Greek culture in philosophy and letters which enabled him to make Latin a philosophical language adequate for the expression of his thoughts in orations and treatises. A great authority has said: "He succeeded admirably in transcribing the current ideas of the Greek schools, especially those of the Stoics, in a language far more attractive and eloquent than that of his post-Aristotelian models." ²²

After a prolonged and patient study of his relations to Roman law, both on the theoretical and practical sides, and after a reasonably thorough examination of the political and literary history of the epochal period to which he belongs, the writer has attempted to draw, within reasonable limits, the picture existing in his own mind of Cicero as advocate, scientific jurist, essayist, philosopher, and patriot, which he undoubtedly was. In that way an honest effort has been made to popularize his history and works among people of the world who have neither the

²⁰ Sohm, p. 86.

²¹ Sihler, viii.

²² Frederick Pollock, *History of the Science of Politics*, p. 31.

time nor the inclination for more extended research. Through his charming eloquence, oral and written, he was ever striving to interest busy men of the world by turning away from abstract speculation to the practical problems of life.

In studying the life and works of Cicero we should never forget that he was an optimistic, emotional man, the greatest wit of his time, who never lost a chance to make either a pun or a *bon mot*. He was obliged to complain, as Mr. Lincoln might have complained, that all the jokes of the day were attributed to him, including the bad ones. Caesar had a standing order that all of his flashes should be reported to him.

Cicero
as a wit.

Already in 54 B.C., in the oration for Cnaeus Plancius we find Cicero complaining, with an air of evident self-satisfaction, that it was the fashion to attribute to him the jokes that gained currency in Rome; three years later (*Ad Familiares* vii, 32) he playfully charges Volumnius with disloyalty in not defending his reputation against the *bons mots*, "all sayings of all men," that were being circulated in his name. In a letter to Paetus (*Ad Fam.* ix, 16) we are told that Caesar was making a collection of apothegms, and that, when sayings of Cicero were brought to him, he professed to be able to tell—by the ring as it were—which were genuine; another collection of Cicero's sayings had previously been made by Trebonius (*Ad Fam.* xv, 21; 47 B.C.).²³

His charge
against
Volumnius.

The collection of Cicero's witticisms, arranged in three books and circulated after his death, is supposed by some to have been the work of his very astute secretary and literary executor, Tiro—an assumption weakened, however, by the fact that Quintilian, who used it, expressed regret that the number preserved had not been diminished by a more judicious editing. Such is undoubtedly the source

Collection of
witticisms
circulated
after his
death.

²³ "Cicero as a Wit," by F. W. Kelsey in *The Classical Journal* for November, 1907, p. 7 (The University of Chicago Press).

of fifty or more witticisms attributed to Cicero, but not found in his works, which have been preserved by Plutarch, Quintilian, and Macrobius,²⁴ the last of whom says that Plautus and Cicero surpassed all of their contemporaries in the quality of their jokes.²⁵ It is a comfort to know that the great orator was always ready to enjoy a joke at his own expense; and, if he was vain, it was "the vanity of the peacock, not of the gander." All admit that while he was vain and fond of praise, from envy he was absolutely free. He had a very warm heart, and there never was a better friend. He was too proud to be jealous of any man's reputation, and in his maturer years he became more appreciative of younger men like Brutus and Octavius.

Inventor of a
philosophical
terminology.

His life, like every other, was moulded largely by his environment. He looked to Greece for his culture because there was no other available. Apart from some indifferent productions by obscure Epicureans he despised, and the poem of Lucretius, there were then in Latin no manuals of philosophy or of philosophical writings. He was therefore compelled to invent a philosophical terminology for the Romans, and to prepare a series of manuals which, by reason of their lucidity and beauty of style, are for all time. He was, by nature, prone to philosophy, which he tells us is "the fountain head of all true eloquence, the mother of all good deeds and good works."²⁶

Not until after he had begun life as a writer on rhetoric

²⁴ Macrobius, *Saturnalia*, iii, i, 10. For the witticisms attributed to Cicero, but not found in his works, see the *Fragmenta* in the editions of Cicero's works by Baier and Kayser (vol. xi) and C. F. W. Mueller (pt. iv, vol. iii).

²⁵ "The essence of Latinity is to be found not so much in the epic or lyric poet as in the comedies of Plautus and the letters of Cicero."—Herbert Paul in *Men and Letters*, p. 246.

²⁶ Cicero, *Brutus, sive de Claris Oratoribus*, 93.

did he begin his career as an advocate, thus producing the immortal orations that soon made him the leader of the Roman bar. The prestige thus won opened the way to political preferment and the holding of office as quaestor, curule aedile, praetor, and consul. After such an experience he again took up his pen and produced such works on government and law as the *De Republica* and *De Legibus*, in the first of which is contained an invaluable history of the Roman constitution. As a sidelight we have for years the invaluable correspondence without which a large section of Roman history would be almost a blank. Above it all broods the predominating influence of the Stoic philosophy which made an indelible impress upon every kind of Roman thinking connected with government, law, and morals. The narrative has been so arranged as to reveal the processes through which his works grew out of the actual conditions and experiences of his eventful life.

His invaluable correspondence.

No sketch of Cicero's life, as a summary of his acts, can be at all complete unless supplemented by an anthology, as a summary of his thoughts, whose breadth and depth can be measured only when viewed through specimens presenting them as a connected whole. It is not an exaggeration to say that just before the expiring paganism of Greece and Rome breathed its last, Cicero made a complete inventory of its thoughts and feelings, which he so embalmed as to make it possible for us to transform a dead past into a living present. Ample proof of that assertion may be found in the anthology containing the epigrams through which he speaks the thought of the ancient world as to almost every subject involved in human life.

Necessity for an anthology.

The purpose of the sketch is to state, within narrow

limits, the essence of what Cicero did; the purpose of the anthology is to state, within narrow limits, the essence of what he said. Only with the aid of both can we know the man. In collecting and arranging the sayings of Cicero, the common property of everybody, in a compilation which may be called for the first time the Anthology of Cicero, my daughter and myself have worked together; and our hope is that we have made a good beginning that will be enlarged by other hands as time goes on.

After putting together everything to be found in the dictionaries of classical quotations and other collections, such as those of the Abbé d'Olivet, Ramage, Harbottle, and Brown, with translations taken from the best versions, an effort has been made to widen and systematize the materials thus obtained by our own investigations and those of a few eminent scholars who have been good enough to aid us in the task.

CHAPTER II

STOIC PHILOSOPHY AND ROMAN LAW

THE genius of the Greeks broke down at the threshold of law in the higher sense of that term. If they had succeeded in building up an extensive and powerful empire, the outcome might have been a great codification that would have rendered the compilations of Justinian unnecessary. But the fact is that no such thing happened. The Greeks left behind them no complete or imposing legal monuments; they produced nothing which, in any proper sense, could be called a philosophy of law. After every advance made, either upon the practical or theoretical side, in the effort to establish anything like a science of positive law has been estimated at its full value, the fact remains that no such result was attained. It is hard to negative the assertion that neither the Greeks themselves nor any society thinking or speaking in their language ever developed the smallest capacity for producing a philosophic system of jurisprudence.¹ It was reserved for the Romans to present to the world the science of positive law as an original contribution. Juris-

Failure of the Greeks to produce a philosophy of law.

Jurisprudence a Roman creation.

¹ Of their conceptions of law and procedure we can only catch glimpses from the Homeric poems, from the fragments that remain of the Hellenic codes, from the details of law and practice found in the orations of Demosthenes and other Greek orators, from what Plato tells us in the *Dialogues*, the *Republic*, and the *Laws*, from the fragments of a legal treatise by Theophrastus, referred to in the first book of the *Digest* of Justinian, and from the outlines of public law to be traced in the *Politics* of Aristotle. See Rudolphe Dareste, *La Science du Droit en Grèce, Platon, Aristote, Théophraste*, Paris, 1893; Pollock and Maitland, *History of English Law*, Intro., p. xxvii.

prudence is strictly a Roman creation—as an immortality it has survived the wreck of the Empire.

Roman law
as a factor in
civilization.

Next to the Christian religion, Roman law is certainly the most potent factor that has entered into modern civilization. After all fair deductions have been made in favor of the spheres occupied by the Chinese, Moham-medan, and Hindu law systems, the fact remains that the Roman and English law systems now cover nearly the whole of the civilized and most of the uncivilized world, the area occupied by Roman law and its dependencies being the wider of the two.²

As an
element in
English law.

But that statement must be supplemented by the all-important fact that England can not fairly be said to have an indigenous system of private law all her own, enriched as it has been, in all its vital parts, from Roman sources. Even laymen know that the systems of English equity and admiralty were derived from Roman law in its civil form, just as the systems for the administration of estates, wills, and guardianships were derived from Roman law in its canonical form. And from the same fountain was drawn the entire substructure of international law.

Grotius
and the
jus gentium.

The epoch-making work of Grotius, brilliant as it was, simply involved an application of one branch of Roman private law known as the *jus gentium*—the law common to all nations—to states instead of individuals. If he was a genius, as he undoubtedly was, his genius consisted entirely of his ability to extract from that body of rules known as the *jus gentium*, applied by the Romans only between man and man, a code adequate for the regulation of the relations between the Christian

² For a more complete statement, see the author's *Science of Jurisprudence*, pp. 45-46.

states of Western Europe after the Holy Roman Empire had ceased to be an international bond between them.³

If it be true that that refined and philosophic deposit, fabricated by the Roman juriconsults and known as the *jus gentium*, is the source from which have been derived not only all the finer parts of the private law of the civilized world, no matter whether English or Roman, but also the existing law of nations, then no argument should be necessary to prove that the history of its making is supremely important. As Cicero is connected in a very

Cicero
and the
jus gentium.

conspicuous way with that history, the purpose of this introductory chapter will be to draw out, within narrow limits, the marvelous process of evolution out of which the *jus gentium* emerged.

Throughout the Mediterranean world the dominant form of political organization was the city-state which, as defined by Aristotle, was a society of men dwelling in a walled city, with a surrounding territory not too large to allow its free inhabitants habitually to assemble within it to discharge the duties of citizens.⁴ Every city-state had its customary law, the blended product of religious and secular elements, which regulated within its limits persons in family, clan, and tribe, and things in the same relation and jurisdiction.

City-state as
defined by
Aristotle.

Along the Mediterranean seaboard the customary law of each city-state steadily developed down to that epoch at which it was transformed into a written code of that type which appeared in Greece, Italy, and on the Hellenized coast of Asia at periods similar in respect to the

³ See the author's *International Public Law*, pp. 30, 78-81.

⁴ Aristotle thought that a state should not be too large to deny to its citizens the opportunity to become familiar with each other. 'Αναγκαῖον γνωρίζειν ἀλλήλους, ποῖοι τινές εἰσι, τοὺς πολίτας. — *Politics*, vii, 4, 13.

Class of
codes to
which the
Twelve
Tables
belonged.

relative progress of each community.⁵ It was to that class of codes that the *Twelve Tables* of Rome belonged, the first codification of the *jus civile*, the local law of the city, administered by the city judge, *praetor urbanus*, only between Roman and Roman. As there was a religious element in all such archaic law it could not be applied to a foreigner. If, in the early days, a foreigner settled at Rome he could not bring the law of his own city with him; and he could have no possible participation in the law of Rome, because that was the exclusive property of her own citizens.

Rome as a
commercial
metropolis.

Such was the rule when Rome began to grow into the commercial metropolis of the Mediterranean Basin, a station to which she was predestined by her geographical position. Camillus is reported to have said:

Not without reason did the gods and men select this site for the foundation of Rome—healthful hills, a convenient river equally adapted to maritime and inland trade, the sea not too far off to present an active international commerce, nor so near as to expose the city to a sudden attack from foreign vessels; a site in the center of the peninsula, a situation made, as it were, on purpose to allow the city to become the greatest in the world.⁶

Again, in the equally graphic words of Cardinal Gibbons:

Rome's happy position and its climate, no less than the rude and simple virtues of its first inhabitants, made it one day the mistress of the world's most historic peninsula. The story of her political growth fascinates us forever, as it did Polybius and St. Augustine. The very wreckage of her splendor, palaces, baths, porticos, theaters, obelisks, arches, still encumbers the sites of

⁵ As to these early codes, see Sir Henry S. Maine, *Ancient Law*, pp. 13-20 (a work which cannot be overpraised), and Pollock, *Introduction and Notes to Maine's Ancient Law*, pp. 4-7.

⁶ Livy, *History*, v, 354.

departed greatness, and our eyes may richly feast on the sites where Cicero spoke to the masters of this earth, and where Augustus ruled with firm hand the enormous mass of empire that God had permitted gradually to coalesce around the Mediterranean into a compact unity, the divinely preordained basis and conditions of the new spiritual empire that was to rise amid the ruins of its political forerunner and herald.⁷

The result of such a favored situation was an influx of foreigners to Rome whose need of law compelled as early as 242 B.C.⁸ the appointment of the *praetor peregrinus*, the praetor of foreigners, whose duty it became to administer justice between Roman citizens and foreigners and between citizens of different cities within the Empire.⁹ As such praetor could not rely upon the law of any one city for the criteria of his judgments, he naturally turned his eyes to the codes of all the cities from which came the swarm of litigants before him.

The *praetor peregrinus*.

While the laws and customs of the Italic cities were, no doubt, similar to those of Rome herself, those of the Egyptians, Carthaginians, and Syrians were marked by many features of their own. Between the two extremes stood the best standards of comparison in the laws and customs of the Greek cities which, while varying a good deal in detail from city to city, seem to have borne a family resemblance to one another. Thus we encounter what is perhaps the earliest application of Comparative Law, employed by the *praetor peregrinus* for the purpose of

Jus gentium
the product
of Comparative Law.

⁷ *Roma*, preface, 5.

⁸ The date is not absolutely certain. Livy (*Epitome* 19) says it was 512; Lydus (*De Magister*, i, 38, 45) says it was 207 U.C., which corresponds to 510 of the Varronean era.

⁹ Every alien, *i.e.*, non-citizen, was, as such, absolutely barred from the use of any of the formal juristic acts of early Roman law. Pomponius tells us that the new magistrate derived his title from the fact that his principal duty was to administer justice to the increasing peregrin population.—*Digest*, i, 2, 2, 28.

extracting from the codes of all the nations with which the Romans were brought into commercial contact a body of principles common to all which, when fused into one code, could be called "the law of the nations," *i. e.*, law common to all nations — *jus gentium*.¹⁰ Before this new plant, the product of the comparative process, reached its maturity it was fertilized and developed under the inspiration of a theory drawn by the Roman jurisconsults from a foreign source.

Theory of
natural law
a Stoic in-
vention.

A century or more before the fall of the Republic the intellectual life of Rome had passed under the dominion of her subjects in Attica and Peloponnesus, just after they had yielded to the ascendancy of the Stoic philosophers who were ever striving to discover in the operations of nature, physical, moral, and intellectual, some uniform and universal force pervading all things that could be designated as the law of nature — the embodiment of universal reason. With the growth of the dominion of Rome and the consequent necessity for the extension of the code of a single city to many cities, there was a natural craving for the discovery of legal principles capable of universal application. In response to such a demand Comparative Law collected the data, in the manner heretofore pointed out, and Stoic philosophy supplied the theory upon which such data were worked into the new creation known as the *jus gentium* — the common reservoir from which have been drawn all of the finer principles of modern jurisprudence, in all codes, national and international.

Before the close of the fourth century B. C., Greek philosophy had reached its zenith in Plato and Aristotle. In

¹⁰ It is clear that such a conception was well defined as early as the second century B.C. — *De Off.*, iii, 69-171. Cf. Professor Nettleship, on "*Jus Gentium*," *Journal of Philology*, xiii, 169; Voigt, *Das Jus Naturale*, *passim*; Bryce, *Studies in History and Jurisprudence*, pp. 583-84.

their hands the Socratic theory of conceptions had reached its most perfect development through the grouping around definite centers of the entire range of contemporary knowledge, thus affording a connected view of the world as a whole. Searching inquiries into morals had supplemented the study of nature, while natural science itself in all its branches had been materially enlarged. More important still, idealism, the most complete and characteristic expression of the intellectual life of Greece, as interpreted by the genius of Plato, had been harmonized with experience by Aristotle, who, through the union of theory with practice, had made constructive criticism an art.

Zenith of
Greek philosophy in
Plato and
Aristotle.

But that golden age of intellectual splendor was short-lived. Greek philosophy, like Greek art, being the offspring of political freedom, declined with its loss. First came the blight of the Macedonian supremacy; by the battle of Chaeronea (338 B.C.) the doom of Greece was sealed; all attempts made by her to throw off that yoke ended in defeat. The Macedonian overlordship was to yield only to that of Rome; and when in 146 B.C. the province of Achaia was incorporated under Roman rule the last hope of freedom passed away forever. The compensation was in the fact that with the sweeping away of national independence, barriers between nations had been broken down. By the concentration in large empires of East and West, Greeks, Romans, and barbarians were united and brought into closer contact upon every point. Under such conditions,

Decline after
the loss of
political
freedom.

Creation
of large
empires.

Philosophy might teach that all men were of one blood, that all were equally citizens of one empire, that morality rested on the relation of man to his fellowmen, independently of nationalities and of social ranks; but in so doing she was only explicitly stat-

ing truths which had been already realized in part, and which were in part corollaries from the existing state of society.¹¹

Conquests of
Alexander.

While extending Hellenism to the farthest East, the conquests of Alexander had shattered the old order of the Greek world and made way for the new order of vast territorial kingdoms destined eventually to be swallowed up in the Roman Empire. And so, as the city-state with its narrow horizon sank into the larger territorial aggregates, nationality naturally tended to become cosmopolitan.

Effect of
political and
geographical
changes on
philosophic
thought.

By such political and geographical changes the course of philosophic thought was profoundly changed. The political and ethical theories of Plato and Aristotle were based upon the free and independent life of small civic communities in which the mind of the unfettered freeman boldly attacked every intellectual problem, without regard to the ulterior consequences. It is not, therefore, strange that to the mental powers of the Greek the loss of political independence was a staggering blow. With the loosening of the ties of civil and local patriotism in the fatherland, and with the corresponding change thus wrought in the position of the individual, his tendency was to withdraw within himself, and, by ignoring the strife raging without, to make happiness behind the barriers of his own inner life depend upon his inward state alone.

Philosophy
takes the
place of
religion.

As the old belief in the gods was gone, the place of religion must be supplied by philosophy, not of a theoretical and unfruitful kind, but of such a practical kind as could supply moral uprightness and moral strength. In the midst of such conditions it was Zeno who caught

¹¹ Edward Zeller, *Stoics, Epicureans, and Sceptics*, pp. 1-18, Reichel's trans.

the practical spirit of his age—the desire for a popular philosophy to meet individual needs. In all he and the older Stoics taught there breathes an enthusiasm for righteousness in which has been traced the earnestness of the Semitic spirit.^{11a} The Macedonian ascendancy, while dealing a death blow to the independence of Greece, had as a compensation opened up a new world in which her energies and her thoughts could expand, securing—

. . . . for her culture the place of honor among the nations of the East, but producing at the same time a tardy, but, in the long run, important back-current of Oriental thought, traces of which appear in the philosophy of Greece a few centuries later. . . .

A striking feature in the history of the post-Aristotelian philosophy, and one which at the same time brings forcibly home to us the thorough change of all circumstances, is the fact that so many of its representatives come from eastern countries in which Greek and Oriental modes of thought met and mingled.¹²

Mingling of
Greek and
Oriental
modes of
thought.

Zeno, the founder of Stoicism, a native of Citium,¹³ a Greek colony in Cyprus,¹⁴ removed to Athens about 320 B.C., and, after a long course of intellectual preparation, appeared as a teacher, probably soon after the beginning of the third century. His followers, called at first Zenonians, were afterward known as Stoics from the Stoa, Ποικίλη Στοά, "Painted Porch," the place selected by the master for the delivery of his discourses.

Zeno the
founder of
Stoicism.

Although he lived and taught at Athens, his youth was spent in a city that was half Phoenician, and many of his most distin-

^{11a} "Stoicism, like Christianity, was primarily a religion for the oppressed, a religion of defense and defiance; but, like Christianity, it had the requisite power of adaptation."—Gilbert Murray, *The Stoic Philosophy*, 1915.

¹² Zeller, pp. 14, 36.

¹³ The dates in his life are very uncertain. He is said to have been thirty when he arrived at Athens.—Diog., 2.

¹⁴ Alongside of the old Greek population Phoenician emigrants had settled, hence its inhabitants are sometimes called *e Phoenicia profecti* (*De Fin.*, iv, 20, 56), and Zeno is himself called a Phoenician (Diog., vii, 3, 15, 25, 30; ii, 114).

Character-
istics of
the system.

guished followers had a like association with the eastern world. The system deals with all the great themes touched upon by Chaldaism, Persism, and Buddhism. Like the first, it insists that there exists an unchanging Destiny, according to which events throughout the universe are predetermined from eternity. Like the second, it sets up as claiming the worship and allegiance of men a Supreme Deity, who governs the world with boundless power and benevolent will, and is manifested to men as the Logos or "divine Word." . . . In its practical ethics, though it does not advocate the suppression of all desires, it so far agrees with Buddhism as to hold that happiness is only found in the subordination of individual claims to the voice of universal reason. Finally, its teachers are actively engaged in propagating its doctrines and guiding its disciples. Stoicism has, in short, the inward and outward characteristics of the other great movements we have described, and may claim without presumption to be reckoned amongst the world-religions. . . . All the terms commonly used in association with a personal deity are adopted by the Stoics: their god is Lord and Father. . . . Further, besides the personal and the material conceptions of the Deity, they adopted and developed a conception which exercised an extraordinary influence over other systems, when they attributed the exercise of all the powers of deity to the divine Word, which from one point of view is the deity itself, and from another is something which emanates from him and is in some way distinct.¹⁵

Magnificent
notion of a
single God.

The key to the new system, based really upon the magnificent notion of a single God, who is Lord and Father, is to be found in Zeno's first book, the *Πολιτεία*, or *Republic*, evidently a counterblast to the work of the same name by Plato,¹⁶ whose political theories always presuppose the existence of small civic communities divided by convention into classes. Discarding the old and grasping the new conception of political organization, represented by large empires in which the barriers

¹⁵ Arnold, pp. 17-19, 66.

¹⁶ ἀντέγραψε πρὸς τὴν Πλάτωνος Πολιτείαν. — Plut. *Sto. Rep.*, 8, 2 (Hans von Arnim, i, 260).

were broken down between local communities, Zeno's ideal state was made to embrace the whole world in such a way that a man may no longer say "I am of Sidon," or "I am of Athens," but "I am a citizen of the world," who, sweeping away all distinctions between Greeks and barbarians, recognizes the brotherhood of man and the fatherhood of God.

The root-principle of the Stoic state is that it is world-wide, a cosmopolis. This title arose from the practice, attributed to Socrates and Diogenes (as well as others) of replying to the current question, "Of what city are you?" by the answer, "Of the universe." We must therefore regard ourselves as members not of a clan or city, but of a world-wide society. In this society all distinctions of race, caste, and class are to be subordinated to the sense of kinship and brotherhood.¹⁷

Stoic state a cosmopolis.

Zeno's world-state was subject to the reign of law; the bond of cohesion was the Logos (*ratio atque oratio*).¹⁸ Reason and the universal law exist in the community from the beginning. The eternal Wisdom, through which the primal matter took shape, is, in another aspect, the Right Rule (*ὁρθὸς λόγος*, *vera ratio*) which commands and forbids. "If there is a universe, then there is a universal law, forbidding us to do this and refrain from that." Or, to put it in another way,

The universal law.

When regarded as the groundwork of natural formations, this primary Being or general law is called Nature; but when it appears as the cause of the orderly arrangement and development of the world, it is known as Providence; or in language less tech-

¹⁷ Arnold, pp. 273-75, citing Arnim, i, 262; "patriam meam esse mundum sciam," — Seneca, *Dialogues*, vii, 20, 5; "membra sumus corporis magni; natura nos cognatos edidit." — *Epis.*, 95, 52.

¹⁸ "ejus [societatis humanae] vinculum est ratio et oratio, quae conciliat inter se homines conjungitque naturali quadam societate." — *De Off.*, i, 16, 50.

nical, as Zeus or the will of Zeus; and in this sense it is popularly said that nothing happens without the will of Zeus.¹⁹

Chrysippus,
the second
founder.

From Zeno we pass to Chrysippus, the second founder of Stoicism, born at Soli in Cilicia, about 280 B. C., who, after being trained possibly by the founder himself, succeeded, on the death of Cleanthes, to the presidency of the Stoic school.²⁰ While only the titles and a comparatively small number of fragments of his works, said to have been not less than 750, have come down to us, it seems to be certain that, deviating from the teachings of Zeno and Cleanthes, he so expanded Stoic doctrine in every direction and with such completeness as to leave hardly a gleaning of details for his successors to gather up. As Cicero has expressed it:

Cicero's
statement.

For what article of Stoic doctrine has been passed over by Chrysippus? And yet we read also Diogenes, Antipater, Mnesarchus, Panaetius, and many others, and especially the works of my own personal friend Posidonius.²¹

Diogenes
Laërtius
chief author-
ity for Stoic
doctrine.

The Diogenes of whom Cicero speaks was of Seleucia or Babylon (Diogenes Stoicus), and succeeded Chrysippus as head of the Stoic school of Athens; and was sent by the Athenians, 155 B.C., as one of the embassy to Rome where he is supposed to have died shortly afterward. He should not be confused with Diogenes Laërtius, our chief authority for Stoic doctrine, who wrote, with the aid of earlier works, the biographies of the Greek philosophers in ten volumes, probably in the reign of Septimius Severus (193-211 A.D.). Only fragments of the writings of the earlier Stoics have come down to

¹⁹ Zeller, pp. 161-71.

²⁰ "Chrysippum qui fulcire putatur porticum Stoicorum." — Cicero, *Academica*, ii, 24.

²¹ *De Fin.*, i, 2.

us.²² Among such fragments we have the following definition of the right rule, the common or universal law, from Chrysippus himself: "The common law, which is the right reason moving through all things, identical with Zeus, the supreme administrator of the Universe."²³ Professor Holland, a prince among jurists, practical as well as scientific, says:

Universal
law defined.

The Stoics were in the habit of identifying Nature with Law in the higher sense, and of opposing both of these terms to Law which is such by mere human appointment. "Justice," they say, "is by Nature and not by imposition." "It proceeds from Zeus and the common Nature."²⁴

Cicero simply reiterates Stoic doctrine when he says:

Law is the highest reason, implanted in Nature, which commands those things which ought to be done and prohibits the reverse. . . . The highest law was born in all the ages before any law was written or state was formed. . . . Law did not then begin to be when it was put into writing, but when it arose, that is to say at the same moment with the mind of God.²⁵

Law exists of itself and by natural growth (*φύσει*); it does not need to be created, since reason and universal law exist in the community from the beginning. The writing down of laws is only a stage in their development.²⁶

Notable words on this great subject have just been spoken by Gilbert Murray, professor of Greek at the University of Oxford:

A notable
statement
from Prof.
Murray.

²² The complete works of the later Stoics — Seneca, Epictetus, Marcus Aurelius, Heraclitus, Cornutus — who lived under the Roman Empire, are still extant.

²³ Ὁ νόμος ὁ κοινός, ὅσπερ ἐστὶν ὁ ὁρθὸς λόγος διὰ πάντων ἐρχόμενος, ὁ αὐτὸς ὢν τῷ Διὶ καθηγεμόνι τούτῳ τῆς τῶν ἄλλων διοικήσεως ὄντι. — Chrysippus, *Apud D. Laërtes*, vii, 88.

²⁴ T. E. Holland, *Elements of Jurisprudence*, p. 32, 10th ed.

²⁵ Cicero, *De Legibus*, i, 6; *ibid.* i, 15; *ibid.* ii, 4.

²⁶ "Non tum denique lex incipit esse cum scripta est, sed tum cum orta est." — *Ibid.* ii, 5.

We call it "Evolution." The Greeks called it *Phusis*, a word which we translate by "Nature," but which seems to mean more exactly "growth," or "the process of growth." It is *Phusis* which gradually shapes or tries to shape every living thing into a more perfect form. . . . This fact had made people familiar with the notion of natural law. Law was a principle which ran through all the movements called the *Kosmos*, or "ordered world." Thus *Phusis*, the life of the world, is, from another point of view, *the Law of Nature*; it is the great chain of causation by which all events occur; for the *Phusis* which shapes things towards their end acts always by the law of causation. . . . A natural law, yet a natural law which is alive, which is itself life.^{26a}

Cicero and
Stoic ethics.

With all the faithfulness with which Cicero reproduced the Stoic invention of a law of nature—a permanent, uniform and universal force pervading all things, and "proceeding from Zeus and the common nature"²⁷ he reproduced the Stoic conception of ethics by which, in his later years, he was completely enthralled. So widely did that conception, as the embodiment of Stoic morality differ, both in form and substance, from the popular morality of the times and the ideals of the rival philosophical schools, that it may also be called, without exaggeration, a Stoic invention. The fact is that the one was the corollary of the other. Stoic ethics rested primarily, not on the needs of the individual, but on the demands of the supreme law, the "universal law, bidding us to do this and refrain from that." The fundamental canon was "to live consistently with nature," in the words of Diogenes Laërtius, whose summary of Stoic ethics is generally accepted as a fair statement of the views of Chrysippus on this point:

Summary by
Laërtius.

Hence Zeno's definition of the end is to live in conformity to nature, which means to live a life of virtue, since it is to virtue

^{26a} Murray, pp. 36 *sq.*, 1915.

²⁷ Chrysippus, *Apud Plut. de Stoic. Rep.*, 9.

that nature leads. On the other hand, a virtuous life is a life which conforms to our experience of the course of nature, our human natures being but parts of the universal nature, thus the end to a life which follows nature, whereby is meant not only our own nature, but the nature of the universe, a life wherein we do nothing that is forbidden by the universal law.²⁸

That supreme law operated directly on man as a political and social animal, as a citizen of the cosmopolis or world-state, whose constitution was based upon individual liberty and universal reason. And yet a place was left for nationalism by the admission that the Stoic principles of politics could be realized under any form of government, no matter whether it be a monarchy, aristocracy, or democracy, or a combination of such elements.²⁹ Seneca expressed that idea when he said that every man is born unto two communities, the cosmopolis and his native city.³⁰

A place
left for
nationalism.

The real purpose for which a man exists, the supreme good (*summum bonum*), is to bring himself, as a part of nature, into harmony with the whole, so that he, through virtue, may "keep company with God."³¹ The ultimate end of Stoicism was the creation of a good citizen, with a healthily disposed soul, who, guided by the examples of wise men, could rise above nationalism, antiquity, custom, pride, and prejudice, into the realm of universal reason and individual liberty. As

Ideal of a
good citizen.

²⁸ *Apud D. Laërt.*, vii, 85.

²⁹ The Stoic theory of politics as developed by Panaetius is preserved in substance by Cicero in the *De Republica*. Cf. A. Schmekel, *Die Philosophie der mittleren Stoa in ihrem geschichtlichen Zusammenhange dargestellt*, pp. 63, 69; Arnold, pp. 273 sq.

³⁰ "Duae respublicas animo complectamur, alteram magnam et vere publicam, qua di atque homines continentur . . . alteram, cui nos adscripsit condicio nascendi." — Seneca, *Dial.*, viii, 4, i.

³¹ [Virtus] "habebit illud in animo vetus praeceptum: deum sequere." — *Ibid.* vii, 15, 5.

we shall see later on, that ideal of a good citizen was the weapon Cicero seized upon when, with the zeal of an enthusiast and the power of a Titan, he essayed the impossible task of saving the Roman Republic through a social, moral, and political regeneration of the governing classes in Roman society.

Founding
of Roman
Stoicism.

An indication must next be given of the process through which the intellectual life of Rome passed under the dominion of her subjects in Attica and Peloponnesus, just after they had yielded to the ascendancy of the Stoic philosophers who were ever striving to discover in the operations of nature, physical, moral, and intellectual, some uniform and universal force pervading all things that could be designated as the law of nature—the embodiment of universal reason. The good work began with the arrival at Rome of the Stoic Crates, the head of the library at Pergamus, who in 159 B.C. gave lectures on literature, expounding at the same time, no doubt, Stoicism, “the earliest offspring of the union between the religious consciousness of the East and the intellectual culture of the West.”³²

Crates,
159 B.C.

Embassy of
155 B.C.

Then in 155 B.C., came the famous embassy from Athens, including the heads of the three most important philosophical schools, Diogenes of Babylon representing the Stoics, Critolaus the Peripatetics, and Carneades the Academics. Such were the forerunners of Panaetius of Rhodes, who studied in his youth at Pergamus, probably in the school of Crates,³³ whence he passed to Athens where he attached himself to Diogenes, and afterwards to his successor Antipater.³⁴ The extension of his studies

³² Lightfoot, p. 274.

³³ Strabo, xiv, 5, 16.

³⁴ *Discipulus Antipatri Panaetius*.—Cicero, *De Divinatione*, i, 3.

to every branch of philosophy, including astronomy and politics, brought Panaetius into contact with the historian Polybius, both of these learned Greeks uniting in admiration of the Roman constitution.³⁵ Panaetius was perhaps the first Greek who in a private capacity had any insight into the workings of the Roman state or into the character of its citizens, opportunity for observation being gained through his visit to Rome where he lived for years in the house of Scipio Africanus the younger. The friendship between the two must have begun before the year 140 B.C., when Panaetius accompanied Scipio on a mission to settle the affairs of the East,³⁶ continuing until the death of Scipio in 129 B.C. During that period it was that the noblest and most intellectual men of Rome gathered around Scipio and his Greek friends Polybius and Panaetius, forming a society permeated with the atmosphere of Stoicism known to the Romans as *humanitas*.

Panaetius
and Scipio.

Prominent among that first Stoic group was Laelius, who had listened in his youth to Diogenes of Babylon,³⁷ and who became consul in 140 B.C., appearing as the ideal Stoic and chief speaker in Cicero's *De Amicitia*; and Mummius, whose oratory was marked with the ruggedness characteristic of the Stoic sect. It was out of the "humane" movement that the Gracchan reforms sprang, Blossius of Cumae, a pupil of Antipater, inspiring Tiberius Gracchus with schemes that led to his over-

Laelius.

"Humane"
movement
and Grac-
chan re-
forms.

³⁵ "Memineram persaepe te cum Panaetio disserere solitum coram Polybio. Optimum longe statum civitatis esse eum, quem majores nostri nobis reliquissent. — *De Repub.*, i, 21.

³⁶ [accepi] "Publi Africani in legatione, illa nobili Panaetium unum omnino comitem fuisse." — *Acad.*, ii, 2. Cf. Arnold, pp. 100-101.

³⁷ "Ille [Laelius] qui Diogenem Stoicum adulescens, post autem Panaetium audierat." — *De Fin.*, ii, 8.

throw.³⁸ There was, however, no abatement of zeal upon the part of the Stoic nobles who continued to exercise a marked influence upon public life.

The
Scaevolus.

Notable among these was Q. Mucius Scaevola, the augur, consul in 117 B.C., the devoted friend of Panaetius, who married the elder daughter of Laelius, the younger marrying C. Fannius, who enjoyed some distinction as a historian. More notable still was Q. Mucius Scaevola, the pontifex, the nephew of Mucius the augur, consul in 95 B.C., often called the father of Roman law, being the first to codify it in eighteen volumes. The Stoic poet was Lucilius, whose teachings as expressed in his satires on religion and ethics are in close accord with the teachings of Panaetius,³⁹ who may be justly be regarded as the founder of Roman Stoicism which, as localized, took on the form of a kind of religion. It has been described as "The System that stood to Pagan Rome more nearly than anything else in the place of a religion";⁴⁰ "Its history resembles that of a religion rather than a speculative system."⁴¹

Lucilius.

Panaetius a
reformer.

Panaetius, the founder of "Roman Stoicism," was a reformer whose primary purpose, in laying great stress upon ethics, upon the "external duties" required of all men, wise and unwise, was to lift the older Stoicism as taught by Zeno and Chrysippus out of the stern narrowness that despised the cultivation of art and of life. His mission was to infuse into it a fresh impulse that would stimulate research in history, philosophy, geography, chronology, philology, and law. Stoicism, thus emancipated from the narrow austerity of its founders, pre-

³⁸ Cicero, *De Amicitia*, ii, 37.

³⁹ Cf. Schmekel, pp. 444, 445.

⁴⁰ Hastings Crossley, *M. Aurelius*, iv; Pref., p. xii.

⁴¹ G. H. Rendall, *M. Aurelius*, Pref., p. xv.

sented its leading tenet, "Live according to nature," with instantaneous success to that powerful class at Rome who, disdaining the innovations of foreign fashion, still clung, in theory at least, to the simple habits of their Italian ancestors. In the forefront of that class stood the Roman lawyers whose alliance with the Stoic philosophy lasted for centuries.⁴²

As to the direct influence of Panaetius on Cicero there can be no doubt. Nobody denies that the former's discussion of the practical side of morality in three books on duties was the groundwork of Cicero's *De Officiis*. It has been said more than once that books I and II of that work are simply a *réchauffé*, in Cicero's style, of Panaetius upon "external duties," *περὶ τῶν καθήκοντων*. Cicero himself says that he followed Panaetius, not as a mere translator, but *correctione quadam adhibita*.⁴³ It is beyond all question that the introduction of Stoicism at Rome was one of the most momentous of the many changes it experienced, and, while the evidence drawn from history and poetry relates chiefly to its influence upon the upper classes of society, it is quite possible that it also extended to the working classes, coloring in that way the philosophy of the poor.⁴⁴ Certain it is that the systematic study of law, out of which was evolved Roman jurisprudence, had its beginnings among a group of thinkers profoundly influenced by Stoic teaching. As the successor of Scaevola we have C. Aquilius Gallus, praetor in 66 B.C. with Cicero, who is notable by reason of the fact that in his expositions of the law he followed the principles of equity.⁴⁵ If Cicero's friend Sulpicius

Influence
of Stoicism
on Cicero.

Its influence
on Roman
law.

⁴² Maine, pp. 52 sq.

⁴³ See *De Off.*, i, 2, 7; 3, 9; iii, 2, 7.

⁴⁴ Arnold, p. 380.

⁴⁵ "Qui juris civilis rationem nunquam ab aequitate sejunxerit."—Cicero, *Pro Caecina*, xxvii.

Cato.

Rufus was not a Stoic, his teacher of dialectic, Lucilius Balbus, was; and in studying oratory he followed Stoic principles far enough to make his exposition clear.⁴⁶ But foremost among the Stoics of Cicero's time stands M. Portius Cato, who blended the stern tenets of the new creed with the ancient traditions of his Roman ancestors. As a popular leader above all private ends, as a patriot above all bribes, as an orator whose plain language and short sentences could reach every mind, as a philosopher capable of real eloquence and striking paradoxes,⁴⁷ he has stood through the ages as the most notable illustration of what a great citizen cast in the Stoic mold really was.

Brutus.

More closely associated with Cicero was M. Junius Brutus, the nephew of Cato, who married his daughter Portia, an ardent Stoic who stabbed herself in the thigh as a practical demonstration of her worthiness to be entrusted with a political secret. It was to Brutus, the orator,⁴⁸ the tyrannicide, that Cicero dedicated his treatises, *De Finibus*, *De Natura Deorum*, and *Tusculanae Disputationes*, all of which are saturated with Stoic doctrines.

Making
of the
jus gentium.

In the light of what has now been said we may return with greater confidence to the point at which the assertion was made that the *jus gentium* — the common reservoir from which have been drawn all of the finer concepts of modern jurisprudence, in all codes, national and

⁴⁶ "Servius [mihi videtur] eloquentiae tantum assumpsisse, ut jus civile facile possit tueri!" — *Brut.*, xl.

⁴⁷ "Cato dumtaxat de magnitudine animi, de morte, de omni laude virtutis, Stoice solet, oratoriis ornamentis adhibetis, dicere." — Cicero, *Paradoxa Sto.*, 3.

⁴⁸ "Tu, [Brute] qui non linguam modo acuisseris exercitatione dicendi, sed et ipsam eloquentiam locupletavisse graviorum artium instrumento." — *Brut.*, 97.

international—was the product of a fusion of a body of principles extracted by the comparative method from the codes of all the states with which Rome came into commercial contact, and a certain invention of the Stoic philosophers known as the law of nature, “proceeding from Zeus and the common nature.” As the Stoic cosmopolis or world-state embraced the whole of mankind, the law which governed it was necessarily universal; and as it was an emanation from the mind of an all-wise God, it was also the very perfection of reason. With that imposing and convenient theory the Stoic philosophers armed the Roman juriconsults just at the moment when it became necessary to extend the local law of a city-state over a growing empire that aspired to universal dominion.

The body of common roots extracted by the *praetor peregrinus* from the codes of all the nations with which Rome was in commercial contact—the law of the nations (*jus gentium*)—was something entirely separate and distinct from the indigenous code (*jus civile*) which the Roman state had established for itself. It was the new creation (*jus gentium*) that was lifted to the dignity of world-law, after the juriconsults had woven into it the Stoic theory of a natural law at once supremely wise and universal. Before the end of the Republic the *jus gentium* had assumed definite form; and to Cicero—the great expounder, the master of expression, the author of the first philosophic treatises in the Latin tongue—naturally fell the duty of describing it. He said:

Cicero the first to describe it.

There is a closer tie between those who are of the same nation; a closer tie between those who are of the same state. Our ancestors distinguished the law of citizens from the law of the nations, that which is proper to citizens not being therewith part

of the law of the nations, whereas that which belongs to the law of the nations ought to belong to the law of citizens also.⁴⁹

The last sentence embodied a prophecy. The law of the nations (*jus gentium*) did finally so enter into the law of the citizens (*jus civile*) as to swallow it up and consume it. By the broad conceptions embodied in the *jus gentium* the strict and narrow archaic law of Rome was so enriched and expanded that in time the *jus civile* was largely superseded. Finally it could be said: "Roman law was finished; the local law of the city had passed into a law available for the world in general."⁵⁰ The praetorian law was the channel through which the *jus gentium* gained, in the first instance, admittance into the Roman civil law, which it rapidly permeated. The praetorian edict was the engine of law reform through which the harsh rigors of the *jus civile* were displaced slowly and cautiously by the *jus gentium*, the equitable law whose growth and expansion, in opposition to the *jus strictum* of ancient tradition, flowed on with an ever-increasing volume. And yet its growth did not suddenly sweep away the *jus civile*. As a system of equity it was gradually elaborated alongside of the older and stricter law in a process of development extending over a period of more than five centuries.⁵¹ But, far in advance of the final result, Cicero clearly foresaw all that this world-law was to be in the time to come. In the precious fragment of the *De Republica*⁵² preserved by Lactantius he

Sohm's
statement.

Praetorian
edict an
engine of
law reform.

⁴⁹ "Itaque majores aliud *jus gentium*, aliud *jus civile* esse voluerunt. Quod civile, non idem continuo *gentium*, quod autem *gentium*, idem civile esse debet." — *De Off.*, iii, 17.

⁵⁰ Sohm, p. 86.

⁵¹ See the author's *Science of Jurisprudence*, pp. 91 sq.

⁵² "Nec erit alia lex Romae, alia Athenis, alia nunc, alia posthac, sed et omnes gentes et omni tempore una lex et sempiterna et immutabilis continebit, unusque erit communis quasi magister et imperator omnium deus, ille legis, hujus inventor, disceptator, lator."

declares in terms of matchless power and eloquence of the law common to all nations (*jus gentium*):

It is not to be one law for Rome, another law for Athens, one law today, another law tomorrow, but one eternal and immutable law for all nations and for all ages, as God the common master and ruler of all—the discoverer, the interpreter, the enactor of the law—is one.

Cicero's famous definition.

Here we have the clearest and most emphatic assertion possible of the Stoic theory of a universal law of nature identical, as Chrysippus says, with Zeus, the supreme administrator of the universe.

A great jurist has said:

What was the exact point of contact between the old *Jus Gentium* and the Law of Nature? I think that they touch and blend through *Aequitas*, or Equity in its original sense; and here we seem to come to the first appearance in jurisprudence of this famous term, "equity."^{52a}

Blending of *jus gentium* and law of nature through *aequitas*.

Even in Cicero's time the fusion of the *jus gentium* with the *jus naturale* was so complete as to induce him to declare them identical.⁵³ In that way the *jus gentium* was clothed with a higher authority, a philosophic dignity which tended to obscure its humble origin as a mere division of private law. To that cause may be attributed the fact that the term *jus gentium* was, in a few exceptional cases, used out of its normal and proper sense to indicate a branch of law binding on all nations in the direction of their international relations as *jus commune gentibus*.⁵⁴ And so it may be true that "there floated

^{52a} Maine, p. 55.

⁵³ "Lege naturae, id est gentium." — *De Off.*, i, 23.

⁵⁴ "Hoc vos Feciales, juris gentibus decitis." — Liv. ix, 11. "Populum Romanum neque recte neque pro bono facturum, si ab jure gentium se prohibuerit." — Sallust, *Bellum Jugurthinum*, c. xxii. Cf. Nettleship, *Journal of Philology*, vol. xiii, no. 26.

also always before the eyes of the later Roman jurists a vision of a *jus naturale*; a universal code, from which all particular systems are derived, or to which they all tend, at least, to approximate; a set of rules, the matter, or contents, of which is of universal application.”⁵⁵ The effort to give to the blended product of *jus gentium* and *jus naturale* a strained construction was never successful. It was not the extravagant interpretation of Ulpian, but the more restricted and more reasonable one of Gaius,⁵⁶ that finally determined its meaning in the time of the Antonines. As Sir Henry Maine has expressed it:

Maine's
statement.

At last at a peculiarly felicitous conjuncture, Ayala and Grotius were able to obtain for it the enthusiastic assent of Europe, an assent which has been over and over again renewed in every variety of solemn engagement. . . . Having adopted from the Antonine jurisconsults the position that *Jus Gentium* and the *Jus Naturae* were identical, Grotius, with his immediate predecessors and his immediate successors, attributed to the Law of Nature an authority which would never perhaps have been claimed for it, if “Law of Nations” had not in that age been an ambiguous expression. They laid down unreservedly that Natural Law is the code of states, and thus put in operation a process which has continued almost down to our own day, the process of engrafting on the international system rules which are supposed to have evolved from the unassisted contemplation of the conception of nature.⁵⁷

Tribute of
Renan.

In the words of Renan:

“Le stoïcisme avait [déjà] pénétré le droit romain de ses larges maximes, et en avait le droit naturel, le droit philosophique, tel que la raison peut le concevoir pour tous les hommes. Le droit strict cède à l'équité; la douceur l'emporte sur la sévérité; la justice paraît inséparable de la bienfaisance. Les grands juriscon-

⁵⁵ Holland, p. 6.

⁵⁶ *Inst.*, i, 1. See also Justinian, *Inst.*, i, 2, § 2.

⁵⁷ Maine, pp. 95-96.

sultes d'Antonin continuèrent la même œuvre. Le dernier [Volusius Moecianus] fut le maître de Marc-Aurèle en fait de jurisprudence, et, à vrai dire, l'œuvre des deux saints empereurs ne saurait être séparée. C'est d'eux que datent la plupart de ces lois humaines et sensées qui fléchirent la rigueur du droit antique et firent, d'une législation primitivement étroite et implacable, un code susceptible d'être adopté par tous les peuples civilisés." ⁵⁸

⁵⁸ Ernest Renan, *Marc-Aurèle*, pp. 22, 23.

CHAPTER III

CICERO'S GREEK CULTURE

Born on the
farm at
Arpinum,
January 3,
106 B.C.

Paternal
grandfather.

Father.

IN THE preceding chapter an attempt was made to indicate in a general way the intellectual conditions surrounding life at Rome, on its philosophic and juristic sides, when Marcus Tullius Cicero, the predestined leader of the Roman bar, was born to a family of equestrian rank, the upper-middle class, on his father's estate at Arpinum, on January 3, 106 B.C.

His paternal grandfather Marcus, still living when Cicero was born, was a country gentleman of the old school who opposed all innovations, even the introduction of vote by ballot into Arpinum, which had received the Roman franchise some time before.¹ He so hated the Greeks as to say that his countrymen were like Syrian slaves—the more Greek they knew, the greater rascals they were. His father, also called Marcus, a retiring country gentleman of delicate health, simply cared to live among his books on the ancestral estate, where his gravest concern was the direction of the education of his two sons, Marcus Tullius and his brother Quintus.²

¹ From the *De Legibus*, iii, 16, 36, we learn that "our grandfather, a man of singular virtue in this town of Arpinum, as long as he lived opposed Gratidius (whose sister, our grandmother, he had married) when he wanted to introduce the law of ballot. For Gratidius was raising a storm in a ladle, as the proverb is, as his son Marius afterward did in the Aegean Sea. To such length did the quarrel proceed, that the consul Scaurus, when he was informed of what had happened, made this remark of our grandfather: 'Would to heaven, Cicero, that a man of your courage and honor had better loved to live in the capital of our commonwealth than to bury yourself in a municipal town.'"

² In *De Orat.*, ii, 1, Cicero speaks of his father as "optimi ac prudentissimi viri."

Of his mother Helvia we know only that she was a lady well born (so says Plutarch); and that she was a shrewd thrifty housewife who used to seal up all the wine jars in the house, even when they were empty, in order that the claim might not be made that some were empty, when in fact they had been drained clandestinely.³

Mother
Helvia.

The town of Arpinum was situated on the Volscian hills that divide Latium from Campania at the point where the Liris^{3a} and Fibrenus met; and it seems that Tullius meant originally "spring" or "rivulet."⁴ The family name of Cicero was probably derived from some ancestor who had cultivated the vegetable called *cicer*, if it was not derived from a forebear who took his name from a wart or carbuncle on his nose. When upon the threshold of his political career the youthful advocate was advised to change his name, Plutarch says that he haughtily replied that he would make it more famous than the names of the Catuli and Scauri. Scorning all false pretense, he sneered at the attempt to trace his pedigree to Attius Tullius,⁵ the Volscian king of old; and he said it would be a falsification of family history if he claimed descent from Manius Tullius, a patrician consul shortly after the expulsion of the Tarquin kings. Cicero of Arpinum was perfectly content with his actual lineage; he was proud of his country home, and of the sturdy stock from which he sprang. He was also proud of the old borough

Town of
Arpinum and
family name.

Cicero
scorned
all false
pretense.

³ So says her son Quintus in a letter to Tiro. — *Ad Fam.*, xvi, 26.

^{3a} A name made familiar by the charming lines of Horace (*Lib. i*, Ode XXII):

"Non rura quae Liris quieta
Mordet aqua taciturnus amnis."

⁴ "Tullios alii dixerunt esse silanos, alii rivos, alii vehementes projectiones sanguinis arcuatim fluentis." — Festus.

⁵ Plutarch, *Cicero*, i.

in which his ancestors had been leading factors for generations. As the "most eloquent of all the sons of Romulus" expressed it, in after years:

Described his
cradle spot.

There is one reason, however, why I am so fond of this Arpinum, which does not apply to you. . . . Because, to confess the truth, it is the native place of myself and my brother here; for here indeed, descended from a very ancient stock, we first saw the light. Here is our altar, here are our ancestors, and here still remain many vestiges of our family. Besides, this villa which you behold in its present form, was originally constructed, at considerable expense, under my father's supervision; for having very infirm health, he spent the later years of his life here, engaged in literary pursuits. And on this very place, too, while my grandfather was alive, and while the villa, according to the old fashion, was but a little one, like that one of Curius, in the Sabine country, I myself was born. . . .

A man
has two
countries.

I am very glad that I have brought you here, and shown you what I may almost call my cradle spot. . . . What were you going to say just now, when you called this Arpinum the true country of yourself and your brother Quintus? Have you more than one country, or any other than the Roman commonwealth in which we have a similar interest? Unless, indeed, you mean to say, that the true country of the philosophic Cato was not Rome, but Tusculum. I indeed should say that Cato, and all municipal citizens like him, have two countries—the one, that of their birth, and the other, that of their citizenship. In the case of Cato, who had been born at Tusculum and was elected a citizen of Rome, he was a Tusculan by extraction and a Roman by citizenship; he had one country as his native place, and another as his country in law. . . . It is necessary, however, that we should attach ourselves by a preference of affection to the latter, which, under the name of the Commonwealth, is the common country of us all. For this country it is that we ought to sacrifice our lives; it is to her that we ought to devote ourselves without reserve; and it is for her that we ought to risk all our riches and consecrate all our hopes.⁶

⁶ *De Leg.*, opening of second book.

While the exact date can not be fixed it is certain that Cicero's father, moved by the desire to give to his sons opportunities for education not to be had in a provincial town, purchased a house at Rome in the street called Carinae, a fashionable quarter between the Coelian and Esquiline mounts, where the family resided each year, at least during the period between October and June. Whether Cicero then became the pupil of the Roman *grammaticus*, Aelius, a Stoic, described by him as a man "profoundly learned in Greek and Latin letters," we do not know. But certain it is that he did become the pupil, probably before 88-87 B.C., of the poet Archias, a Greek of Antioch, who came to Rome in 102, having gained fame in his own country by reason of such a knowledge of the metrical art of Greek letters as enabled him to improvise in verse with exceptional skill on subjects of current interest.

The town
house in
the Carinae.

Pupil of the
poet Archias
probably
before
88-87 B.C.

Under the guidance of Archias, who surely impressed his pupil with the necessity for making himself a master of elocution, he studied the orators and poets of Greece, composing at the same time in Greek prose and Latin verse.⁷ That he was precocious and ambitious to excel his fellow-pupils there can be no doubt, because Plutarch says that when the boys walked abroad they gave him the place of honor in their midst as a tribute to his brilliant parts, which so excited the curiosity of their parents that they actually visited the places of instruction in order to satisfy themselves as to his preëminent endowments. Certain it is that from his Greek masters he acquired the technical skill in versification and rhythm which he

Brilliant
as a youth.

⁷ Reference may here be made to an interesting monograph entitled, *A Comparative Scheme of the Moods and Tenses in Cicero's Translations from the Greek*, by Charles Henry Saylor, Johns Hopkins University Studies, Baltimore, 1911.

always employed for the embellishment of his speeches and essays.

Friendly
interest of
Antonius
and Crassus.

Fortunately for the young Marcus, his father was able to claim the friendship of two eminent pleaders, then the foremost at the Roman bar, Marcus Antonius⁸ (grandfather of Mark Antony) and Licinius Crassus, the latter the friend and admirer of Aculeo, very eminent in the civil law of Rome, who had married a sister of Cicero's mother Helvia.⁹ Through that family connection Crassus, who was full of Greek learning and culture, was induced to direct the education, not only of the sons of Aculeo, but of their cousin Marcus Tullius. The lads were trained by teachers approved by the great Crassus himself; and it appears that, from time to time, they were invited to his house where Marcus had an opportunity to witness the perfect fluency with which Crassus spoke Greek, "as if he knew no other tongue."¹⁰ It was this Crassus who, as censor, jointly with his colleague, Domitius Ahenobarbus, in the year 92 B.C. issued an edict closing the schools of the Latin rhetoricians in these terms:

Edict against
Latin rheto-
ricians,
92 B.C.

It has been reported to us, that there are men who have established a new kind of instruction (*disciplinae*) with whom young people meet to form classes (*in ludum*); that they have dubbed themselves *Latin Rhetors*; that these youths are loafing for whole days at a time. Our ancestors have established what they wished their sons to learn and what classes to attend. The new-fangled things which are done contrary to the usage and manner of our ancestors, neither have our approval nor do they seem right. Therefore it seems we ought to set forth our opinion both to those who hold these classes as well as to those who are wont to attend them, to wit that we disapprove it.¹¹

⁸ Liv., *Epit.*, 68.

⁹ See W. Drumann, *Geschichte Roms nach Geschlechtern*, v, p. 213.

¹⁰ *De Orat.*, ii, 2.

¹¹ The edict is preserved by Aulus Gellius, xv, 11; and Suetonius, *De Claris Rhetoribus*, proem. Cf. Sihler, pp. 11-13.

In his later years Cicero, in order to explain why the despotic power of the censorship was thus employed to suppress Latin schools of rhetoric at Rome, gives Crassus himself the opportunity to say:

Even Latin teachers of rhetoric, please the gods, have risen within the last two years; a class of persons whom I had suppressed by my edict,¹² when I was censor, not because I was unwilling (as some, I know not who, asserted) that the abilities of our youth should be improved, but because I did not wish that their understanding should be weakened and their impudence strengthened. For among the Greeks, whatever was their character, I perceived that there was, besides exercise of the tongue, some degree of learning, as well as politeness suited to liberal knowledge; but I knew that these new masters could teach youth nothing but effrontery, which, even when joined with good qualities, is to be avoided, and, in itself, especially so; and as this, therefore, was the only thing that was taught by the Latins, their school being indeed a school of impudence, I thought it became the censor to make sure that the evil should not spread further.

Explained in
De Oratore.

I do not, however, determine and decree on the point, as if I despaired that the subjects which we are discussing can be delivered, and treated with elegance, in Latin; for both our language and the nature of things allow the ancient and excellent science of Greece to be adapted to our customs and manners; but for such a work are required men of learning such as none of our countrymen have been in this sphere; but if ever such arise, they will be preferable to the Greeks themselves.¹³

No matter how profound the impression made at Rome by the new world-religion as preached by the Stoic Panaetius and his followers may have been upon the upper classes in general and upon Roman jurists in particular, the fact remains that these apostles of the Porch met valiant defenders of the older philosophies of Greece in the representatives of the Academic schools, not to

Cicero's contempt for the
Epicureans.

¹² For a reference to this passage, see Quintilian, ii, 4, 42.

¹³ *De Orat.*, iii, 24.

His relations
with the
Academy.

mention the Epicureans. But as the tenets of the Garden, though carefully studied by Cicero,¹⁴ made no serious impression upon his mind or life, either in the domain of metaphysics or morals, we may dismiss Epicurus as a negligible quantity. The serious matter at issue is that involved in his relations with the Academy which, as an advocate, he wooed in his youth, and which, as a statesman and philosopher, he completely abandoned in his later years.

Plato.

Plato, the founder at Athens of the philosophical association known as the "Academy," was no doubt the ablest interpreter of the true mind of Socrates. In the words of Ueberweg he "combined the various elements, the, so to speak, prismatically broken rays of the Socratic spirit in a new, higher, and richer unity."¹⁵ And so by far the

Aristotle.

ablest of Plato's disciples was Aristotle of Stagira who, branching off from the Academy, founded about 350 B.C. the school of the Peripatetics, the primary purpose of its founder being to introduce into philosophy, then convulsed by the disputes of the followers of Socrates, a spirit of reconciliation. In order to reach the truth, said the new teacher, we must, after collecting the various opinions commonly held, seek the reconciling formula of which each is a partial statement.

After the death of Aristotle, the Peripatetics so gravitated toward the Academics that in later centuries there seemed to be but little difference between them. The Romans found but little divergence between the teaching of the Peripatetics and that of the earlier Academy. Into

¹⁴ He had gained some acquaintance with them at Rome through Phaedrus (*Ad Fam.*, xiii, 1) before he met Philo.

¹⁵ Eng. transl., vol. 1, p. 89, *Grundriss der Geschichte der Philosophie*. Tenth ed. by K. Prächter, 1909. Translated from the 4th German ed. by G. S. Morris, 2 vols., New York, 1872-74.

how many schools was the Academy, which lasted from the days of Plato to those of Cicero, divided? Upon that subject the critics are not agreed. Cicero and Varro recognized but two, the old and the new; Sextus Empiricus added a third, the middle; others a fourth, that of Philo and Charmidas;¹⁶ and some even a fifth, the Academy of Antiochus. Cicero, who is the principal authority for the history of the Academic schools, pronounces the following eulogy on the old Academy. After enumerating its leaders, he says:

Five
Academic
schools.

From their writings and systems all liberal learning, all history, all elegance of language, may be derived; and also, so great is the variety of arts of which they were masters, that no one can come properly armed for any business of importance and credit without being tolerably versed in their writings.¹⁷

Cicero's
eulogy
of the old
Academy.

It was the old Academy that chiefly developed the ethical side of Plato's teachings, the path of virtue being indicated by the natural capacities of the individual. And so Polemo of Athens (head of the school, 314-270 B.C.) taught, according to Cicero, that happiness consisted in "virtuous living, aided by those advantages to which nature first draws us," practically the standard adopted by Aristotle.¹⁸ It was Arcesilaus (315-240 B. C.), the successor of Crates, and the disciple of Theophrastus and Polemo, who taught that truth can never be certainly known; that life must be guided by consideration of probability, the ethical standard being that "of which a reasonable defense may be made."¹⁹ Such was the nature

Polemo.

Arcesilaus.

¹⁶ According to Cicero (*Acad.*, ii, 6, 17; *De Orat.*, i, 11, 45; *Ad M. Brutum Orator*, xxi, 41) Charmidas was a pupil of Carneades.

¹⁷ *De Fin.*, v, 3.

¹⁸ "Honeste autem vivere, fruentem rebus eis, quas primas homini natura conciliet, et vetus Academia censuit (ut indicant scripta Polemonis), et Aristoteles eiusque amici huc proxime videntur accedere." — *Acad.*, ii, 42, 131.

¹⁹ [cuius] "ratio probabilis possit reddi." — *De Fin.*, iii, 17, 58. Cf. Arnold, pp. 55-63.

Carneades.

of the academic skepticism which was developed and systematized a century later by Carneades, who is called the founder of the third, or new Academy. He was the chief opponent of the Stoics and their doctrine of certitude. Cardinal Newman says:

Views of
Cardinal
Newman.

Thus, although we find Carneades, in conformity to the plan adopted by Arcesilaus, opposing the *dogmatic* principles of the Stoics, concerning moral duty, and studiously concealing his private views even from his friends; yet, by allowing that the suspense of judgment was not always a duty that the wise man might sometimes *believe* though he could not *know*; he in some measure restored the authority of those great instincts of our nature which his predecessor appears to have discarded. Clitomarchus pursued his steps by innovations in the same direction; Philo, who followed next, attempting to reconcile his tenets with those of the Platonic school, has been accounted the founder of a fourth academy—while, to his successor Antiochus, who embraced the doctrines of the Porch, and maintained the fidelity of the senses, it has been usual to assign the establishment of a fifth.²⁰

Philo the
teacher of
Cicero.

It was this Philo of Larissa, the founder of the so-called fourth Academy, who became the teacher of Cicero when, in his nineteenth year, he began the study of Greek philosophy in earnest. This official head of the Academic Sect at Athens, with other conservatives of his kind, had fled to Rome about 88 B.C., after the Athenian democracy had hailed Mithridates as the champion of the Hellenic world.²¹ In order to support himself while in exile Philo gave instruction at the capital, the object of his teaching being, no doubt, to put such a new complexion on the skeptical teaching of Arcesilaus and Carneades, as to

²⁰ "Personal and Literary Character of Cicero," *Historical Sketches*, vol. i, p. 271.

²¹ At this time Philo, a philosopher of the first name in the Academy, with many of the principal Athenians, having deserted their native home, and fled to Rome, from the fury of Mithridates, immediately became his scholars, and were exceedingly taken with his philosophy. — *Brut.*, lxxxix.

make it possible to believe that while things were in their own nature knowable, they were not so by the standard of knowledge the Stoics proposed. And so it was affirmed both by Philo and Metrodorus that Carneades had really been misunderstood by everybody.²² There seems to be no reason to doubt that the positive teaching Philo attributed to his master, whether right or wrong, was held by himself, and emphasized in the discourses in which he propounded many theses of practical life, rather as problems to be proven or disproven than as a series of dogmatic axioms or maxims. Among the subjects so treated were the following:

Claimed that Carneades had been misunderstood.

Whether a man of understanding should enter public life or share in the life of political leaders, whether the wise man should marry, what was the best form of government, whether offices should be made common or given as an honor to the most worthy only.

His maxims.

The strength of this school was in the presentation of propositions and counter-propositions based upon the actual conditions of life, to be proven or disproven, rather than mere abstractions whose discussion could bear no real fruit. Just at the time when the youthful Cicero was being impressed by the Athenian Academician Philo, his father took into his household a Greek scholar and teacher of the Stoic sect, Diodotus, with whom the rapidly maturing youth studied Greek philosophy daily in the form in which it was expounded by the Porch. In the *De Natura Deorum*, he tells us:

The Stoic Diodotus.

It is a mistake to suppose that this application to philosophical studies has been sudden on my part. I have applied myself to them from my youth, at no small expense of time, and trouble;

²² See R. D. Hicks, *Stoic and Epicurean*, pp. 355-56; and also the edition of Cicero's *Academica*, by J. S. Reid, *Introd.*, pp. 58 sqq.; Sihler, p. 25.

and I have been in the habit of philosophizing a great deal, when I least seemed to think about it; for the truth of which I appeal to my orations, which are filled with quotations from the philosophers, and to my intimacy with those very learned men, who frequented my house and conversed daily with me; particularly Diodotus, Philo, Antiochus, and Posidonius, under whom I was bred.²³

Made Cicero
his heir.

When Cicero married and set up a house of his own his old teacher went with him,²⁴ dying in the mansion on the Palatine in 59 B.C. the year before his patron, whom he made his heir, was driven into exile. In a letter to Atticus Cicero says: "Diodotus is dead; he has left me perhaps 1,000 sester tia."²⁵ The wide attainments of this teacher and friend embraced a knowledge of mathematics; but Cicero seems to have been most impressed by his instruction in logic, a science in which the Stoics excelled.

The tour
abroad,
79-78 B.C.

No matter whether it was fear of Sulla, as Plutarch says, or ill health that prompted Cicero when, in 79-78 B. C., he went abroad to seek a change of air and scene, accompanied by his brother Quintus, his cousin Lucius, Marcus Piso, and above all by his "other self," the beloved Atticus, who had sojourned in Athens since about the year 86 B. C.²⁶ He went with his friends first to Athens, "mother of arts and eloquence," now only the chief town of a Roman province, filled with busy idlers, as it was a century later, when, as they are described by St. Paul: "All the Athenians and strangers which were there spent their time in nothing else but either to tell or to hear

Athens

²³ i, 3.

²⁴ Cicero, *Ad Atticum*, ii, 20.

²⁵ "Diodoto quid faciam Stoico, quem a peuro audiui, qui mecum vivit tot annos, qui habitat apud me, quem et admiror et diligo?" — *Academica*, ii, 36.

²⁶ Drumann, *Gesch. Roms.*, vol. v, p. 8.

some new thing."²⁷ The new thing Cicero desired to hear was in his favorite domain of philosophy; and in order to advance his knowledge in that direction he renewed under the guidance of Antiochus of Askalon, then the official head (*scholarchos*) of the so-called fifth Academy, studies begun at Rome under his predecessor Philo. If he had begun by compromising with the enemy, his pupil Antiochus, worn out after a long struggle with the Stoics, went so far in recanting his agnostic errors as to admit not only that knowledge was possible, but possible under the standard he had so long refused to recognize.²⁸ In describing the famous spot in the suburbs of Athens occupied by the Academy, redolent with memories of Plato himself, Cicero says:

Antiochus.
of Askalon

One day when I had been hearing Antiochus lecture, as I was in the habit of doing, O Brutus, in company with Marcus Piso, in that gymnasium which is called that of Ptolemy, my brother Quintus being with me, and Titus Pomponius, and Lucius Cicero, our cousin on the father's side as to relationship, but our brother as to affection, we determined to take our afternoon's walk in the Academy, principally because at that time of day that place was free from any crowd. Accordingly, at the appointed time we all met at Piso's house, and thence we walked half-a-dozen furlongs from the Dipylus to the Academy, beguiling the way with discourse on various subjects; and when we arrived at the deservedly celebrated space of the Academy we there found the solitude we desired. . . . For the remembrance of Plato comes

Cicero's description of the place of the Academy.

²⁷ "When Cicero came, not long after Sulla's siege, he found the philosophers in residence. As the Empire grew, Athens assumed more and more the character of a university town. After Christianity was first preached there, this character was confirmed to the place by the embellishments and benefactions of Hadrian. And before the schools were closed by the orders of Justinian, the city which had received Cicero and Atticus as students together became the scene of the college friendship of St. Basil and St. Gregory, one of the most beautiful episodes of primitive Christianity."—Conybeare and Howson, p. 322.

²⁸ *Acad. Pr.*, ii, 69; cf. Numenius, cited by Eusebius, *Pr. Ev.*, xiv, 9, 1; Augustinus, *Contr. Acad.*, ii, 6, 15; iii, 18, 41; Hicks, p. 357.

into my mind, whom we understand to have been the first person who was accustomed to dispute here; and whose neighboring gardens not only recall him vividly to my recollection, but seem even to place the man himself before my eyes. Here Speusippus, here Xenocrates, here his pupil Polemo used to walk; and the latter used to sit in the very spot which is now before us. There is our senate-house (I mean the Curia Hostilia, not this new one, which always seems to me smaller, though in fact it is larger): whenever I have looked upon that I have always thought of Scipio, and Cato, and Laelius, and more especially of my own grandfather.²⁹

Antiochus'
diluted
Stoicism.

Such was the hallowed spot in which Antiochus poured out, under the name of the "old Academy," a kind of diluted Stoicism then prevailing, avoiding only a few of its paradoxes and its dogmatic temper.³⁰ Weary of the skeptical quibbling of such of his predecessors as Arcesilaus and Carneades, he excused his drift towards the Porch by demonstrating that the doctrines of the Stoics were to be found (*i. e.*, foreshadowed) in Plato.³¹ Cicero's favorite contention was that the Stoic dialectic, as he had learned it from his teacher Antiochus, was not an original system but a modification of the tenets of the old Academy. As he has expressed it in the *Academica*:

A passage
from the
Academica.

You have, said I, O Varro, explained the principles both of the Old Academy and of the Stoics with brevity, but also with great clearness. But I think it to be true, as Antiochus, a great friend of mine, used to assert, that it is to be considered rather as a corrected edition of the Old Academy, than any new sect. . . . Still let the school whose principles I have explained, be called the Old Academy, and this other the New; which, having continued to the time of Carneades, who was the fourth in succession after Arcesilaus, continued in the same principles and

²⁹ *De Fin.*, v, 1.

³⁰ "Eadem dicit quae Stoici." — *Acad.*, ii, 22. "Erat, si perpauca mutavisset, germanissimus Stoicus." — *Ibid.*, 42, 132. See also J. S. Reid, *Academica of Cicero*, Introd., pp. 15-19, and notes to *Acad.*, 39, 123, and 40, 126. Arnold, p. 110.

³¹ Sextus Empiricus, *Pyrrhoniai Hypotuposeis*, 1, 235; Sihler, p. 56.

system as Arcesilaus. . . . I wish to follow the Stoics. Will Antiochus (I do not say Aristotle, a man almost, in my opinion, unrivalled as a philosopher, but will Antiochus) give me leave? And he was called an Academic; but he would have been, with very little alteration, something very like a Stoic. The matter shall now be brought to a decision. For we must either give the wise man to the Stoics or to the Old Academy. He can not belong to both; for the contention between them is not one about boundaries, but about the whole territory. For the whole system of life depends on the definition of the chief good; and those who differ on that point, differ about the whole system of life. It is possible, therefore, that those of both these schools should be wise, since they differ so much from one another; but one of them only can be so. If it be the disciple of Polemo, then the Stoic is wrong, who assents to an error: and you say nothing is so incompatible with the character of a wise man as that. But if the principles of Zeno be true, then we must say the same of the Old Academy and of the Peripatetics; and as I do not know which is the more wise of the two, I give assent to neither.³²

In the light of such and other similar declarations made by Cicero, who was taught both by Philo and Antiochus, it is very tempting to fall into the error of believing that he was really dominated by that mild skepticism, that eclecticism composed of an almost equal sympathy with Plato and Zeno, which manifests itself so often in his works. Speaking as an Academician he says:

Cicero the
advocate
an eclectic.

My words do not proclaim the truth, like a Pythian priestess; but I conjecture what is probable, like a plain man; and where, I ask, am I to search for anything more than verisimilitude? . . .

The characteristic of the Academy is never to interpose one's judgment, to approve what seems most probable, to compare together different opinions, to see what may be advanced on either side, and to leave one's listeners free to judge without pretending to dogmatize.

³² *Acad.*, i, 12; ii, 43.

Antiochus
an eclectic.

There spoke the pleader, the advocate, the man of palaestic genius in the forensic arena, often striving to make the worst appear the better cause. In that capacity Cicero may justly be called an eclectic, a selector, a chooser from all the arsenals of thought of those intellectual weapons that best served his purpose on a particular occasion. It is no doubt true that Antiochus was really an eclectic; but, only with the qualification just stated, can it be said that "the school to which Cicero finally attached himself was that founded by Antiochus of Ascalon (c. 125-50 B. C.)." The just and critical authority who makes that assertion is careful to state at the same time that —

. . . his most systematic expositions of Stoic doctrine are as follows: In the *Academica* a general view of Zeno's teaching is given by M. Varro (i, 10, 35 to ii, 42), and the Stoic logic, as accepted by Antiochus, is defended by L. Licinius Lucullus (ii, 1, 1 to 19, 63). In the *De Natura Deorum* (bk. ii) the Stoic physics is explained by Q. Lucilius Balbus; in the *De Finibus* (bk. iii) the Stoic ethics by M. Portius Cato, as the most distinguished Roman who has adopted them as a standard of life. In the *De Officiis* Cicero adopts the form of a letter addressed to his son when studying at Athens, and avowedly adapts the substance of the work of Panaetius already mentioned, supplementing it from a memorandum of the teaching of Posidonius which was specially prepared for him by Athenodorus Calvus; this book deals with ethics mainly in its practical applications. In many of his other works, such as *De Amicitia*, *De Senectute*, *Tusculan Disputations*, *De Fato*, *De Divinatione*, and *Paradoxa*, Cicero makes use of Stoic material without giving professedly an exposition of the Stoic system.³³

That is only a too guarded statement of the whole truth to be maintained herein, which is that as Cicero grew older, as he ceased to be a mere advocate and be-

³³ Arnold, p. 109.

came a philosopher and statesman mastered and overcome with the idea of regenerating the social and political fabric of a falling Republic through Stoic morality, and the Stoic conception of a life beyond the grave with a Lord and Father who ruled through law—he became, without a formal announcement of the fact, as thoroughly Stoic, in all he wrote in his later years, as ever Chrysippus or Cato had been. When the time came to attempt the reform of a luxurious and corrupt society by such appeals as were embodied in the *De Legibus*, the *De Officiis*, and *De Finibus*, it was useless to trifle with the quibbling skepticism of the new Academy which declared war on all forms of positive conviction. In opening the work first named Cicero says:

Cicero the philosopher a Stoic

Without a formal announcement of the fact.

Passages from the *De Legibus*.

My treatise throughout aims at the strengthening of the foundation of commonwealths and the advancement of the welfare of peoples. I dread therefore to lay down any but well-considered and carefully examined principles; I do not say principles which are universally received, for none are such, but principles received by those philosophers (evidently Stoics) who consider virtue to be desirable for its own sake, and nothing whatever to be good, or at least a great good, which is not in its own nature praiseworthy.

And then, with the arguments of Carneades against justice apparently in his mind, he says:

As to the Academy, which puts the whole subject into utter confusion, I mean the new Academy of Arcesilaus and Carneades, let us persuade it to hold its peace. For, should it make an inroad upon the views which we consider we have so skillfully put into shape, it will make an extreme havoc of them. The Academy I can not conciliate, and I dare not ignore.³⁴

The fact that, for tactful reasons of his own, Cicero did not deem it wise to make any more formal statement

³⁴ *De Leg.*, i, 13.

Professor
Sihler's
statement.

that he was, in his later years, Stoic to the core as to all questions affecting politics, morals, and theology, should not for a moment mislead the critical who have only to turn to the great works published toward the close of his life in order to find the Stoic tenets on those subjects blazoned on every page. Professor Sihler, in reviewing the essay on old age, makes the proper statement mildly when he says:

The author was then in his sixty-third year and the financier and Philhellene in his sixty-sixth. . . . One can readily see that the exordium was written last. *The deeper substratum of Cicero's spiritual affinity, by this time, was really Stoicism.* Nature defines our ideals and noblest motives.³⁵

Cicero's
mind finally
enveloped
by Stoicism.

It is impossible to grasp the real significance of Cicero's intellectual life as a connecting link between the ancient and modern world without a clear understanding of the fact that the deeper substratum of his spiritual affinity, which finally enveloped his mind and soul, was Roman Stoicism in its purest and most scientific form. In the analyses of his works hereafter to be made there will be a persistent effort to explain how it was that whenever, in his later years, he spoke seriously as a jurist, statesman, moralist, or theologian, it was to emphasize with all the force of his ardent nature some one of the great principles involved in the Stoic cosmopolis or world-state, ruled by a single God as the source of permanent, uniform, and universal law. When he was called upon to define for the first time the real nature of the *jus gentium*, after it had been robed in the Stoic invention called the law of nature, he said:

It is not to be one law for Rome, another law for Athens, one law today, another law tomorrow, but one eternal and immutable

³⁵ Sihler, p. 408.

law for all nations and for all ages, as God the common master and ruler of all—the author, the interpreter, the enactor, of the law—is one.³⁶

There we hear with a distinctness not to be mistaken the voice of Chrysippus describing the universal or natural law of the Stoic world-state, “which is right reason moving through all things, identical with Zeus, the supreme administrator of the universe.” When we pass from book iii of the *De Republica*, containing the foregoing definition of the *jus gentium*, to book vi, containing Scipio’s dream, we find Cicero, upon the eve of the rapidly approaching crisis, striving to create a higher conception of the duties of Roman citizenship by the assurance that pious, patriotic, and philanthropic statesmen will be rewarded not only on earth by the approval of their consciences and the applause of all good citizens, but by immortal glory in new forms of being in a higher life beyond the grave. That method of appeal was suggested no doubt by the story, told at the end of Plato’s *Republic*, of Er the Pamphylian, who, after a twelve days’ trance, caused by a wound received in battle, returned to life; and, in revealing the secrets of the shades below, told of heavenly bliss and hellish punishments, of the judgment seat, and of the renewal of life and the new choice given to souls not yet purified wholly of sin. The final revelation is: “God is blameless; man’s soul is immortal: justice and truth are the only things eternally good.”³⁷

The voice of
Chrysippus.

Scipio’s
dream.

Vision of Er.

In order, however, to obtain a complete and comprehensive view of Plato’s resplendent doctrines as to the immortality of the soul, involving the idea of a con-

³⁶ *De Repub.*, iii, 22. A fragment preserved by Lactantius.

³⁷ See J. Marshall, *Short History of Greek Philosophy*, p. 150.

Neither
dream nor
vision to be
considered
in isolation.

scious personal existence in a life beyond the grave, it is necessary to consider the vision of Er, the *Phaedo* and the *Phaedrus* as a connected whole.³⁸ In order to obtain a complete and comprehensive view of Cicero's conceptions on the same subject, it is necessary to consider Scipio's dream, not in isolation, but in connection with declarations contained in later works, notably the *Tusculanae Disputationes*, the *De Senectute* and the *De Natura Deorum*.

One su-
preme God.

Between the speculations of Plato, made, let us say, about 370 B.C., and those of Cicero, made between 54 B.C. and 44 B.C., there was an interval of something more than three hundred years. During that interval it was that the new world-religion known as Stoicism came upon the stage, reaching its maturity under Chrysippus who died about 208 B.C. By Panaetius it was carried to Rome and there became firmly rooted between 140 B.C. and 129 B.C., the date of the death of Scipio the younger. And so before the time came for Cicero to formulate in philosophical and theological treatises the new thought of Rome upon the question of questions involving the immortality of the soul and a higher life beyond the grave, Stoicism had practically annihilated Pantheism, so far as its followers were concerned, by the recognition of one supreme God, "the supreme Reason, the Logos or Word, whose divine being permeated the universe . . . a first Cause, a Cause of causes, the initial link in the unending chain of events."³⁹ By that magnificent notion of one supreme God, creating and governing everything through permanent, uniform, and universal law, the swarm of little gods was practically annihilated by being

³⁸ Cf. H. N. Fowler, *Plato: Euthyphro, Apology, Crito, Phaedo, Phaedrus*, in "The Loeb Classical Library."

³⁹ Arnold, pp. 218-19.

reduced to mere personifications of physical forces. Armed with that new Stoic conception of a single God, and with that logic in which the Stoics were such adepts, Cicero was able to re-define the immortality of the soul, and a conscious personal existence after death, in a civic heaven if you please, with a distinctness and convincing power which a dreaming philosopher like Plato, not so armed, had never been able to impart to such thoughts.

Little gods as personifications of physical forces.

The Roman philosopher did not hesitate to say to his fellow-man, You were born, not by chance, but in obedience to the law of the "Lord and Father," who will not only care for you while you are here, but will provide for you an eternal haven of rest and glory after death. In one place he says:

Cicero's definitions of immortality.

Whatever that principle is which feels, conceives, lives, and exists, it is heavenly and divine, and therefore must be eternal;⁴⁰

In another:

That divine principle, that rules within us, forbids us to leave this world without the order of the Divinity;⁴¹

In another:

The divine soul is drawn down from its lofty home, and, so to say, plunged into the earth, an abode which is by nature the antithesis of divinity and eternity;⁴²

In another:

Therefore for many other reasons, the souls of the good appear to me to be divine and eternal; but chiefly on this account, because the soul of the best and wisest has such anticipation of a future state of being, that it seems to center its thoughts only on eternity;⁴³

In another:

Be assured that for all those who have in any way conduced to the

⁴⁰ *Tusc. Disp.*, i, 27.

⁴¹ *Som. Scip.*, 3.

⁴² *De Senec.*, xxi.

⁴³ *Pro Rabirio*, x.

preservation, defense, and enlargement of their native country, there is certainly a place in heaven where the blessed shall enjoy eternal life.⁴⁴

In another:

If I am in error in believing that the soul of man is immortal, I err willingly; nor have I any desire, while life lasts, to eradicate the error in which I take delight. But if, after death (as some small philosophers think), I shall feel nothing, I have no fear that those departed philosophers will ridicule my error;⁴⁵

In another:

To separate the soul from the body, is to learn to die, and nothing else whatever. Wherefore take my advice; and let us meditate on this, and separate ourselves as far as possible from the body, that is to say, let us accustom ourselves to die. This will be enjoying a life like that of heaven even while we remain on earth; and when we are carried thither and released from these bonds, our souls will make their progress with more rapidity; for the spirit which has always been fettered by the bonds of the body, even when it is disengaged, advances more slowly, just as those do who have worn fetters for many years;⁴⁶

In another:

For we have not been framed or created, without design nor by chance, but there has been truly some certain power, which had in view the happiness of mankind; neither producing, nor maintaining a being, which, when it had completed all its labors, should then sink into the eternal misery of death. Rather let us think that there is a haven and refuge prepared for us.⁴⁷

Advanced
beyond Plato
by the aid
of Stoicism.

These lucid and enraptured statements mark the distinct spiritual advance made during the three centuries that intervene between Plato and Cicero, through the application by the latter to the question of questions of that body of thought known as Stoicism which matured after Plato's time. The Roman philosopher's overshadow-

⁴⁴ *Som. Scip.*, 3.

⁴⁵ *De Senec.*, xxxiii.

⁴⁶ *Tusc. Disp.*, i, 31.

⁴⁷ *Ibid.*, i, 47.

owing influence in the making of that advance represents the most important outcome of his Greek culture. Forty-three years before Christ came into the world Cicero passed out of it, after having formulated, as the foremost expounder of Roman Stoicism, clear and definite conceptions of immortality to which the vague and shadowy dreams of Plato were "as moonlight is to sunlight, as water unto wine." It is not therefore strange that the early Christian Fathers, notably St. Ambrose, St. Jerome and St. Augustine, should have been such ardent Cicero-nians. Animated by their spirit Petrarch says: "You would fancy sometimes it was not a pagan philosopher, but a Christian apostle, who was speaking."

Early Chris-
tian Fathers
and Petrarch.

During the year 79 B.C., six months of which Cicero devoted to the study of philosophy at Athens under the direction of Antiochus of Askalon, he also received rhetorical instruction from the famous and experienced teacher, Demetrius of Syria. It seems to be clear that while at Athens he, together with his friend Atticus, was initiated into the mysteries of Eleusis.⁴⁸ In the next year he crossed the Aegean for travel in Asia. We have in his own words this brief account of his tour abroad, its motive, and its results:

From Athens
to Asia.

⁴⁸ In his dissertation *On the Laws*, ii, 9, he says: "Let there be no nocturnal sacrifices performed by women, except those which they offer according to custom on behalf of the people; and let none be initiated in the mysteries except by the usual forms consecrated to Ceres, according to the Grecian ceremonies." Mr. Collins in his volume on *Cicero*, in "Ancient Classics for English Readers," says that the Eleusinian mysteries "contained under this thin veil whatever faith in the Invisible and Eternal rested in the mind of an enlightened pagan." See *De Leg.*, ii, 14, where Cicero says: "Of all the glories and divine gifts which your Athens has produced for the improvement of men, nothing surpasses these mysteries by which the harshness of our uncivilized life has been softened, and we have been lifted up to humanity; and as they are called *initia*, by which aspirants were initiated, so we have in truth found in them the seeds of a new life. Nor have we received from them only the means of living with satisfaction, but also of dying with a better hope as to the future."

Description
of his tour.

When my friends, therefore, and physicians, advised me to engage no more in forensic causes, I resolved to run any risk rather than quit the hopes of glory which I had proposed to myself from pleading. When I considered that, by managing my voice, and changing my way of speaking, I might both avoid all future danger of that kind and speak with greater ease, I resolved to travel in Asia, merely for an opportunity to correct my manner of speaking. So that after I had been two years at the bar and acquired some reputation in the Forum, I left Rome.

Antiochus
and
Demetrius.

When I came to Athens, I spent six months with Antiochus, the principal and most judicious philosopher of the Old Academy; and under that able master, I renewed those philosophical studies which I had laboriously cultivated and improved from my earliest youth. At the same time, however, I continued my rhetorical exercises under Demetrius the Syrian, an experienced and reputable master of the art of speaking.

Asiatic
rhetoricians.

After leaving Athens, I traversed every part of Asia, where I was voluntarily attended by the principal orators of the country, with whom I renewed my rhetorical exercises. The chief of them was Menippus of Stratonika, the most eloquent of all the Asiatics; and if to be neither tedious nor impertinent is the characteristic of an Attic orator, he may be justly ranked in that class. Dionysius of Magnesia, Aeschylus of Cnidos, and Xenocles of Adramyttium, who were esteemed the first rhetoricians of Asia, were continually with me. Not contented with these, I went to Rhodes, and applied myself again to Molo, whom I had heard before at Rome, and who was both an experienced pleader and a fine writer, and particularly judicious in remarking the faults of his scholars, as well as in his method of teaching and improving them. His principal trouble with me was to restrain the luxuriance of a youthful imagination, always ready to overflow its banks, within its due and proper channel.

Molo of
Rhodes.

Thus, after an excursion of two years, I returned to Italy, not only much improved, but almost changed into a new man. The vehemence of my voice and action was considerably abated; the excessive ardor of my language was corrected; my lungs were strengthened; and my whole constitution confirmed and settled.⁴⁹

⁴⁹ *Brut.*, 91.

Cicero's reference to his visit to Rhodes suggests the name of the famous Stoic philosopher Posidonius, a pupil of Panaetius, who, next to his master, did more perhaps than any other to spread Stoicism throughout the Roman world. After he had settled down as a teacher at Rhodes,⁵⁰ attracting thither many students, he became well known to many leading Romans, such as Marius, Rutilius Rufus, Pompey, and Cicero. From Rhodes he came to Rome on a mission in 86 B.C. not long before the death of Marius. That he made a profound impression upon the rising statesman there can be no doubt. When Cicero wrote his Greek memoir on his consulate (*περὶ ὑπατείας*) he sent it to Posidonius who was to compose a more formal and finished work on that basis. In a letter to Atticus he says:

Posidonius.

Greek memoir on Cicero's consulate.

I sent my memoir to Posidonius, that he might use it as a foundation of a more eloquent treatise on the same subject; but he writes back to me from Rhodes that, when he read my book, far from being encouraged to write, he felt himself fairly warned off the ground. Now you see! I have discomfited the whole tribe of Greeks, and so the lot of them, who used to press me for material which they might work up, have ceased to bother me.⁵¹

Cicero seems to have made use of the writing of Posidonius in *De Natura Deorum*, ii; *De Divinatione*, i; and in the first half of the *Tusculanae Disputationes*.⁵² The story goes that on his return from Rhodes to Italy he stopped at Delphi where he is said to have asked "how he might become very famous." We may fancy that the secret was revealed to him, despite his incredulity as to the divination emanating from that source.⁵³

Visit to Delphi.

⁵⁰ He is often described as "of Rhodes," although he came from Apamea in Syria.

⁵¹ *Ad Att.*, ii, 1.

⁵² Cf. Schmekel, *Die Phil. der mitt. Stoa*, 1892, p. 98, etc.

⁵³ Cf. *De Div.*, ii, 32.

CHAPTER IV

THE ROMAN BAR IN CICERO'S TIME

At the age
of sixteen
Cicero
assumed the
toga virilis.

HAVING traced the growth of Cicero's Greek culture from his youthful beginnings under the poet Archias down to his return from his first tour abroad, let us go back to the year 91 B.C., when, in his sixteenth year, he was brought, according to custom, before the praetor in the Forum, in order that he might there lay aside his boyish dress, *toga praetexta*, for the *toga virilis*, the badge of incipient manhood, the token of his introduction into public life. While we do not know whether his father was present on that solemn occasion, Cicero tells us expressly that immediately thereafter he presented him to one of the most famous jurists of that time, the venerable Quintus Mucius Scaevola, known as the augur, who had been consul as early as 117 B.C.:

Presented by
his father to
Scaevola,
the augur.

My father, immediately after I had put on the dress of manhood, introduced me to him, instructing me that, so far as I found it possible and was permitted to do so, I should remain continually at his side. And so I committed to memory many of his wise discourses and pithy sayings, and strove to learn from his wisdom.¹

Family of
the Mucii
and gratuitous law
teaching.

Like all who aspired to the great offices of state, Scaevola had sought popularity by undertaking gratuitously the advocacy of causes in the courts of justice, and by giving gratuitous advice on points of law to all who desired it. To that was added gratuitous law teaching, the family of the Mucii having been famous for expert

¹ *De Amicit.*, i.

knowledge in the civil law for several generations. Apart from pleading in the courts, a Roman jurist was expected to occupy himself with consultations, reading, and authorship. Thus the house of every jurisconsult was always open not only to suitors but to students, who came to listen to the *responsa prudentium* or legal opinions, generally delivered in the form of familiar conversations.² It was the business of the student to take notes of all such deliverances of the master, and to commit his sayings or maxims to memory, following him to the Rostra when he addressed the people, and to the courts when he pleaded as an advocate. Under such a system of instruction, widely different from our own, Cicero, together with his friend Atticus, was admitted into the atrium of Scaevola who, at daybreak, held conferences with his consulting clients, which all were at liberty to attend. In the *De Oratore* (i, 45) we read:

The open house of the jurisconsult.

Duties of a law student.

For what is more noble than for an old man, who has held the highest honors and offices in the state, to be able justly to say for himself that which the Pythian Apollo says in Ennius: that he is the person from whom, if not nations and kings, yet all his fellow-citizens, solicit advice—

Tribute to Quintus Mucius in the *De Oratore*.

Uncertain how to act; whom by my aid,
I send away undoubting, full of counsel,
No more with rashness things perplex'd to sway—

For without doubt the house of an eminent lawyer is the oracle of the whole state. Of this fact the gate and vestibule of our friend Quintus Mucius is a proof. Even in his very infirm state of health and advanced age, it is daily frequented by a vast crowd of citizens, and by persons of the highest rank and consequence.

There had been a time when the *Twelve Tables* were taught every schoolboy, who was compelled to learn

² See the author's *Science of Jurisprudence*, p. 91.

Twelve Tables superseded by the edict in law teaching.

them as a necessary lesson or "song." But certainly before the close of Cicero's life, the edict, the "living voice of the civil law,"³ had taken the place of the "song of the *Twelve Tables*" in the education of the youth of Rome.⁴

Scaevola the pontifex maximus.

After the death of his first instructor in the civil law, who was a leader among the Stoics, Cicero attached himself to another of that sect, Quintus Mucius Scaevola, the younger, a nephew of the augur. The new teacher, who was pontifex maximus, occupies a much more conspicuous place in the history of Roman law than the old one as he was the only jurist of the Republic from whose works the makers of the *Digest* drew any direct extract.⁵ He has been called the father of Roman law because he was the first to codify it in eighteen volumes.⁶ He also wrote a book on definitions, reflecting no doubt the interest felt by the Stoics in that part of logic. He was consul in 95 B.C., and after his consulship he was appointed governor of Asia, joining in that capacity with his former quaestor, Rutilius Rufus, in an attempt to repress the extortions of the *publicani*. He took a decisive step in declaring all dishonorable contracts invalid.⁷ When the *equites* brought Rutilius to trial in 92 B.C., Scaevola defended him with the simple dignity

Father of Roman law because its first codifier.

Declared dishonorable contracts invalid.

³ Marcian in *Dig.*, i, 1, 8: "nam et ipsum jus honorarium viva vox est juris civilis."

⁴ "Non ergo a praetoris edicto, ut plerique nunc, neque a XII Tabulis, ut superiores . . . hauriendam juris disciplinam putas." — *De Leg.*, i, 5. See also *De Leg.*, ii, 23: "discebamus enim pueri XII, ut carmen necessarium: quas jam nemo discit." Cf. A. H. J. Greenidge, *Roman Public Life*, p. 205, notes 2 and 3.

⁵ H. J. Roby, *Introduction to the Study of Justinian's Digest*, etc., p. cxxiii, Cambridge, 1884.

⁶ Pomponius, l. c., §41.

⁷ "Ego habeo [exceptionem] tectiorem ex. Q. Mucii, P. F. edicto Asiatico; extra quam si ita negotium gestum est, ut eo stari non oporteat ex fide bona; multaue sum secutus Scaevolae." — *Ad Att.*, vi, 1. See Arnold, p. 384.

of a Stoic, without disregarding entirely the graces of elegance.⁸

In making his famous codification of Roman law the pontifex departed from the traditional method of merely interpreting the words of the statutes or formulas relating to procedure or juristic acts. Instead, he arranged, for the first time, the positive law of Rome according to the subject dealt with, thus laying a permanent foundation for the labors of his successor. Rising above the mere discussion of isolated cases or questions of law, he began the development of legal science by defining in clear and definite terms the nature of such legal institutions as wills, legacies, guardianships, sales, hiring, and the like, and their various genera.

His contribution to legal science.

Through the definition and employment of general legal conceptions he was the first to lift Roman private law above all the complexities of detail.⁹ Thus as the Republican period drew to a close, the responses of the pontifices, by which the development of law had mainly been carried on during the earlier part of it, began to assume a form which must have been fatal to their further expansion. By such treatises as that of Scaevola they were systematized and reduced to compendia. In the writings of Cicero can be traced a growing dislike for the older methods as compared with the more active instruments of legal innovation. By this time the edict, or annual proclamation of the praetor had gained credit as the principal engine of law reform. Therefore Cicero tells us, as before stated, that certainly in his later years,

Edict of the praetor an engine of legal reform.

⁸ "Dixit causam illam quadam ex parte Q. Mucius, more suo, nullo adparatu, pure et dilucide." — *De Orat.*, i, 53.

⁹ As to Scaevola's work, see von P. Krüger, *Geschichte der Quellen und Litteratur des Römischen Rechts*, Berlin, 1888, pp. 59, 60; Burckhardt, *Zeitschrift der Savigny Stiftung für Rechtsgeschichte*, herausg. von Bruns, Bekker, u. Roth. Weimar, 1880, and subsequently, ix, 286ff.

the *Twelve Tables* were neglected by the boys in school who were directed instead to the praetor's edict for their first lessons in law.¹⁰

Cicero's
resolve to
win senatorial
dignity.

In removing to the city, Cicero's father, a man of culture and some fortune, whose ambition was centered entirely in his sons, hoped, no doubt, that they would thus be enabled to enter politics, and, in that way, establish senatorial families. At the age of 52, Marcus, in a letter to Quintus, said:

It cuts me to the heart, my dearest brother, to the heart, to think that there is no Republic, no law courts, and that my present life, which ought to have been in full bloom of senatorial dignity, is distracted with the labors of the Forum or eked out by private studies, and that the object on which from boyhood I had set my heart,

"Far to excel, and tower above the crowd,"
is entirely gone.¹¹

Roman bar
as a stepping-
stone.

To win senatorial dignity was Cicero's dominating ambition from his boyhood, and to that eminence there was but one road open to him—the Roman bar which, in the better days of the Republic, was looked upon as

¹⁰ Servius Sulpicius, a contemporary of Cicero, born about 106 B.C., is said to have been the greatest jurist of the Republican period. See *Brut.*, xl-xlii. As to his works, see Pompon., l. c., 43, 44. His pupil was Aulus Ofilius, often called the Tribonian of the Republican period, who is supposed to have been consulted by Julius Caesar as to his great but unrealized plan for a codification of Roman law. On that subject, see Sanio, *Rechts-historische Adhandlungen u. Studien* (Königsberg, 1845), pp. 68-126. Gibbon says: "The jurisprudence which had been grossly adapted to the wants of the first Romans was polished and improved in the seventh century of the city by the alliance of Grecian philosophy. The Scaevolus had been taught by use and experience; but Servius Sulpicius was the first civilian who established his art on a certain and general theory. For the discernment of truth and falsehood, he applied, as an infallible rule, the logic of Aristotle and the Stoics, reduced particular cases to general principles, and diffused over the shapeless mass the light of order and eloquence." — *Decline and Fall*, vol. iv, p. 457.

¹¹ Cicero, *Ad Quintum Fratrem*, iii, 5-6. The quotation is from Homer, *Iliad*, vi, 208:

πολλὸν ἀριστεύειν καὶ ὑπείροχον ἔμμεναι ἄλλων.

a stepping stone, an initiation into the great offices of state through which a seat in the Senate could be secured. To be a leader of the Roman bar at the time in question was to be a great actor on the brilliantly lighted stage set in the midst of a Forum whose history is a part of the history of the world.

In the time of the Republic, Rome had but one Forum which, when viewed in a comprehensive way, was an open-air theatre in which was enacted in the presence of the assembled people the great events in her political and juristic life. That *Forum Romanum* or *Magnum*, as it was afterward called to distinguish it from the imperial *fora*, occupied a valley which extended from the foot of the Capitoline Hill to the northeast part of the Palatine, and in early times it was bounded on two sides by rows of shops and houses, dating from the era of the first Tarquin. As the city grew, the Forum was developed into a vast quadrilateral, inclosed by a kind of open porticoes or promenades, created by the erection of double rows of columns, so separated as to admit of easy circulation, and supporting at the same time architraves, on which galleries were constructed.

The *Forum Romanum* or *Magnum*.

In the great days of Hortensius and Cicero, discussions in the Forum were a kind of fête, attended by all classes of citizens and strangers, constituting a crowd so vast as to overflow its limits into the surrounding temples of Saturn of Vesta of Castor and Pollux and of Peace or Concordia, extending at times even to the galleries of private residences.¹²

Forensic discussions a kind of fête.

¹² For all details connected with this branch of the subject, I refer to the brilliant and invaluable work, *Le Barreau Romain*, by Grellet-Dumazeau, 2d ed., Paris, 1858, especially to i, *Origine du Barreau Romain*, p. 35; v, *Costume de l'avocat*, p. 107; vi, *Des honoraires*, p. 113; ix, *L'avocat à l'audience*, p. 156; xi, *Durée des plaidoiries et comment étaient recueillies*, p. 184.

All men of all ranks are present, and of all ages; the Forum is full, the temples around the Forum are full, all the approaches to this place and to this temple are full.¹³

While there was a structure known as the Middle Forum (*Forum Medium*), so conveniently situated that it could be used in the event of storms, the people accustomed to the brilliant climate of Italy, preferred that the debates, certainly in the great criminal trials, should take place in the open court of the Forum, "*sub Jove frigido aut torrido.*"

Forum a
great
popular
university.

Here then was the great popular university of Rome in which the citizens acquired the most practical part of their political and juristic education; here it was that the best orators displayed the fruits of long and patient training under Greek and Oriental rhetoricians; here it was that the *populus Romanus*, accustomed to oratory of the highest order, became almost as critical as the patrician Senate.

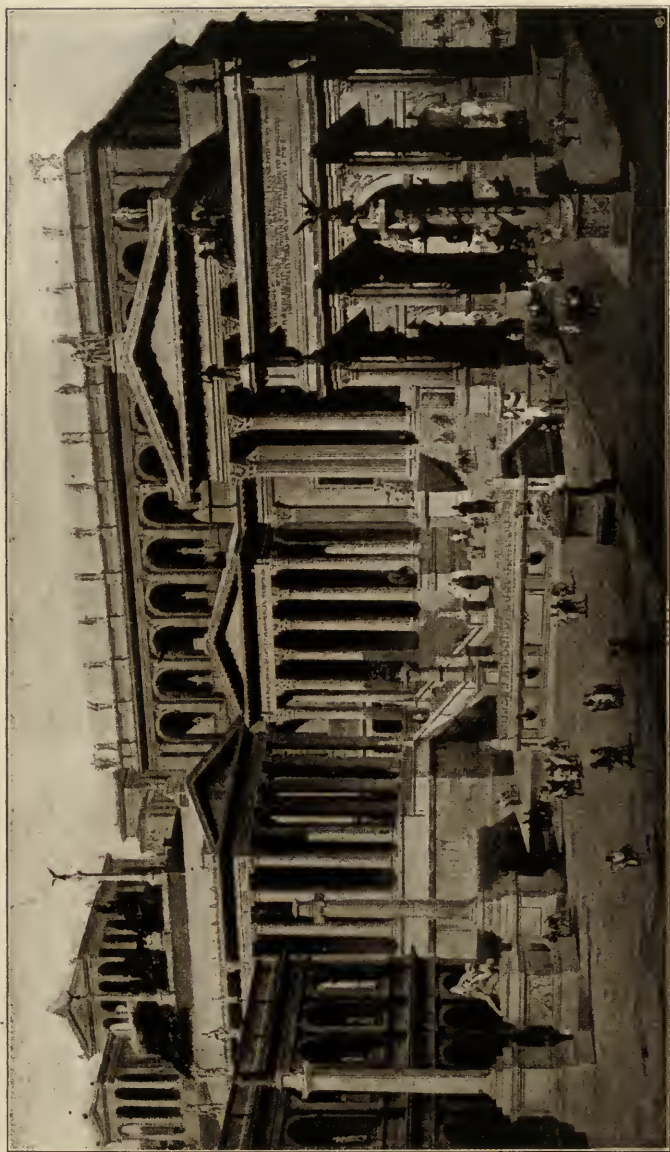
Advocate,
robed in his
toga, attend-
ed by a juris-
consult and
secretary.

Into the Forum the advocate, in English parlance the barrister, went robed in his toga, attended generally by a jurisconsult, a secretary, and his numerous clients. In that day as in this, few distinguished orators were willing to assume the responsibility of a great cause unassisted by a jurisconsult or legal adviser, charged with the duty of examining the facts and the law applicable to them, and of making suggestions as to the best manner of presenting the various points involved. The tribunal consisted of the stage upon which the curule chair¹⁴ of the praetor was placed in front of a spear and

Curule chair
of the
praetor.

¹³ *In Catilinam*, iv, 7.

¹⁴ Being made of wood, these tribunals could be removed when the entire area of the Forum was required for gladiatorial or other purposes. — *Pro Sestio*, 15; *Pro Cluentio*, 34; *In Pisone*, 5; *Hor., Sat.*, ii, 6, 35; *Asconius, Ad Cic. Nicol. Arg.*, p. 34. The trial had to begin after daybreak



CAPITOL, FORUM, AND PALATINE. Restoration by Prof. E. Becchetti.

sword, as emblems of authority. If the trial was a criminal one, then the praetor was assisted by *judices*, judges, taken from an annual list and drawn by lot (*sortitio*). The *judices* in criminal cases.

As will be explained hereafter, the classes from which the *judices* were taken varied, as did also their number. In the famous case of Clodius the number was fifty-six. After the *judices* were selected, subject to certain challenges, and sworn, they took their seats arranged in a semicircle below that of the praetor.¹⁵ To the left of the *judices* and a few steps distant from them sat the accused. The accuser sat on the opposite side, Roman law knowing no such thing as an official prosecutor.¹⁶ No official prosecutor. The advocate, his secretaries,¹⁷ and jurisconsult took their places at the bar, near the accused. The accuser opened and the advocate for the defense closed, it being the better opinion that there was no reply.¹⁸ It was therefore important to every advocate that the praetor, who formulated the question for discussion, should so present it as to give to his client the conclusion.

After the introduction of Greek methods, the orations were rigorously divided into parts, each oration consisting of the exordium, narration, confirmation, refutation, and peroration. At the moment of the delivery of the Formal divisions of an oration.

and end an hour before sunset. The place of trial was the Forum—"forum plenum judicorum." In *Verr.*, v, 55, 143. See also the *lex Acilia*, 11, 37, 38, 65, 66.

¹⁵ As to the growth of Roman criminal law and the *quaestiones perpetuae*, see the author's *Science of Jurisprudence*, pp. 591-92; Maine, ch. v.

¹⁶ *Pro Caecin.*, xxix and lix; Quintil., vi, 1. As to the method of his selection by the court, see the preliminary procedure in the case of Verres, p. 140.

¹⁷ Cicero, *In Verrem*, ii, 10.

¹⁸ Grellet-Dumazeau, p. 165.

Artifices to
excite
sympathy.

last, the advocate was expected to put forth his entire strength, supplemented by every artifice calculated to excite the sympathy of the court. One would hold a child in his arms as he walked around the tribunal; another would uncover the infected wounds of his clients; while still another, pleading for a young girl whom the opposing party refused to recognize as his sister, carried his client to the brother's seat and there thrust her into his arms. On one occasion an advocate pleading for a widow had placed behind him a portrait of the deceased husband, feeble and deformed, from which his agents were told to lift the veil whenever by a cast of his eyes he indicated that his peroration had begun.

Trials of
Aquilus
and Galba.

A notable performance of that kind occurred at the trial of Manius Aquilius, an old consul accused of extortion. Just as he was about to be condemned his advocate, after forcing him to rise from his seat, tore open his tunic and thus revealed many scars of wounds received in defense of the Republic. Judges and advocates were moved to tears, and the accused acquitted.¹⁹ By the same kind of an artifice Galba succeeded in escaping a menacing accusation. At the critical moment his children were brought before the tribunal, where he declared solemnly that before leaving them he desired to confide them to the care of the Roman people.

Congratu-
lations and
applause of
advocate.

When the pleading was over the clients and friends of the advocate would press around him with congratulations.²⁰ If the public had been moved he was saluted with acclamations. Even while the oration was being delivered, applause was sometimes indulged in. We know that such was the custom in the time of Cicero

¹⁹ *De Orat.*, ii, 47.

²⁰ Quintil., xii, 10.

because Quintilian says that the orator, during his pleading for Cornelius Balbus, was applauded by his auditors, *velut mente captos et quo essent in loco ignaros*.²¹

Most people will be surprised to learn that the proceedings of Roman tribunals were taken down by an organized body of reporters known as *notarii*, *actuarii*, *scribae*, *exceptores*, *amanuenses*, some of whom were stenographic reporters.²² Quintilian (xi, 2) says: *Habeamus enim sane ut qui notis scribunt, certas imagines*. Such of these scribes as were clothed in an official character, and some who were not, took down the statements of parties, the depositions of witnesses, and made stenographic reports of the speeches. To the great skill of such scribes Martial pays this tribute: *Currant verba licet, manus est velocior illis*. According to Plutarch such stenographic reports were first made during the consulship of Cicero, who says that the speech for Messala by his great friend and contemporary, Hortensius, was taken down on the spot, word for word.²³ Copies of addresses so reported were often sent to the provinces by the younger members of the bar.

Stenographic reporters.

Such reports first made during Cicero's consulship.

It is not therefore strange that they should have been carefully prepared beforehand by the advocates, most of whom spoke from notes, many writing out the more important parts of the discourse in full. Cicero scarcely ever failed to make such preparation, following it, after the close, with a careful revision that excluded all care-

²¹ viii, 5; Pliny, *Epistolae*, ii, 14; vii, 6; Martial, *Epigrammata*, iii, 46.

²² "Il existait près les tribunaux des teneurs de notes ou greffiers chargés de constater les dires des parties et les déclarations de témoins (5); ils étaient organisés et formaient une corporation." — *Le Barreau Romain*, p. 196.

²³ *Brut.*, 96.

His carefully
revised
speech for
Milo.

lessness of expressions and inelegancies of style. Notably in the case of Milo the revised version of his speech as published by him was so much more eloquent than the stenographic report, which came to the hands of Asconius and Quintilian, that the exiled Milo, when he saw it at Marseilles, exclaimed: "O Cicero! if you had only spoken as you have written, I would not now be eating the very excellent fish of Marseilles."²⁴ As will be explained hereafter the five famous orations against Verres were never spoken at all. They were published afterward as they had been prepared, and as they would have been spoken if Verres had made a regular defense. There can be no question that Cicero's published speeches exercised an immense influence on public opinion.

Villas of
Hortensius
and Cicero.

When we consider the extent of their possessions and the luxurious splendor of their lives, it is certain that the professional incomes of Cicero and Hortensius must have been enormous. An account will hereafter be given of the great mansion purchased by Cicero on the Palatine, built by the Roman millionaire Crassus, and of the procession of villas, extending from the north to the south, and situated near the towns of Tusculum, Antium, Asturia, Sinuessa, Arpinum, Formiae, Cumae, Puteoli, and Pompeii—the first and favorite one having been bought with borrowed money.

And yet despite such an array of town and country houses, Cicero seems to have been surpassed in extravagance by his senior Hortensius. One of his many villas was also situated near Tusculum in which he had accumulated a gallery of costly pictures. It is said that he even watered some of his plants with wine. In his Laurentian villa famous for its magnificent park, he

²⁴ Cassius Dion, xl, 54.

collected at great cost, a vast variety of animals. But of all his villas that of Pauli near Baiae, the fashionable watering place frequented by the Roman aristocracy, was the most famous by reason of its immense reservoirs for the preservation and culture of fish, in whose care a large number of fishermen were employed.²⁵

As an epicure and arbiter of fashion in matters of luxury and taste Hortensius, who was the first among the Romans to serve peacocks on his table, was at the head of the list. While his house on the Palatine was not so pretentious as some of his villas, it was found to be good enough to serve as a residence for Augustus.²⁶ In order to maintain such almost oriental magnificence it was necessary for Hortensius and Cicero to derive enormous compensation from their professional services, either in the form of presents or legacies, despite the finally innocuous *Lex Cincia, de donis et muneribus*, also called *Lex muneralis*, designed to make such services gratuitous. And here it may not be amiss to reproduce Cicero's own estimate of himself as compared with Cotta and Hortensius. In the *Brutus* he says:

Hortensius
as an epicure
and arbiter
of fashion.

Enormous
compensation
despite the
Lex Cincia.

Two orators then reigned in the Forum (I mean Cotta and Hortensius), whose glory fired my ambition. Cotta's way of speaking was calm and easy and distinguished by the flowing elegance and propriety of his language. The other was splendid, warm, and animated; not so much as you, my Brutus, have seen him, when he had shed the blossom of his eloquence, but far more lively and pathetic both in his style and action. As Hortensius,

Cicero's
estimate of
Cotta and
Hortensius.

²⁵ Valerius Maximus, *Factorum et Dictorum Memorabilium Libri*, ix, 4, 1; Varro, *Re Rustica*, iii, 81, 17; Pliny, *Historia Naturalis*, ix, 55; Suetonius, *Augustus*, 72; *Brut.*, 88 sqq.

²⁶ Not until after his victory at Actium did Augustus build the Imperial Palace, having purchased for that purpose several neighboring houses, among them that which had belonged to Catiline. Velleius Paterculus, ii, 81; Suetonius, *De Illustribus Grammaticis*, xvii; T. H. Dyer, *City of Rome: History and Monuments*, p. 199.

therefore, was nearer to my age, and his manner more agreeable to the natural order of my temper, I considered him as the proper object of my competition. . . .

After his consulship (I suppose because he saw that he was beyond comparison the first speaker among the consulars and took no account of those who had not attained that dignity), Hortensius relaxed the efforts which he had exerted from his boyhood up, and being well off in every way chose to pass his time more agreeably, as he thought, or at any rate less laboriously. Just as the brilliancy fades from the coloring of an old picture, so the first, the second, and the third year each robbed him of something not noticeable by a casual observer, but which an educated and discerning critic could detect: . . . When, therefore, the once eloquent and admired Hortensius, had almost vanished from the Forum, my appointment to the consulship, which happened about six years after his own promotion to that office, revived his dying ambition; for he was unwilling that after I had equalled him in rank and dignity I should become his superior in any other respect. But in the twelve succeeding years, by a mutual deference to each other's abilities, we united our efforts at the bar in the most friendly manner; and my consulship, which had at first given a short alarm to his jealousy, afterwards cemented our friendship, by the generous candor with which he applauded my conduct.²⁷

Necessity for
culture.

In the light of what has now been said as to the possibility of winning both fame and fortune at the Roman bar, is it strange that Quintilian should have declared that every ambitious Roman father was eager for his son to become an advocate? Certainly no exception was to be found in Cicero's father, who did all in his power to advance his son's ambition. And yet both perfectly understood the difficulties that beset the undertaking; difficulties only to be removed, even by the possessor of transcendent natural talents, through thorough training not only in law but in rhetoric and philosophy. Cicero

²⁷ *Brut.*, 92-94.

was perfectly conscious of the fact that much of the great success that came to him, after his return from Greece was due to his training in philosophy, which he describes as "the fountain head of all perfect eloquence, the mother of all good work."²⁸

Cicero's
training in
philosophy.

Trained from his boyhood under the best of masters, the plans of the young aspirant, who hoped "far to excel, and tower above the crowd," advanced prosperously until suddenly blighted by the frost of the terrible Italian war which completely disorganized the political and judicial machinery of the state. Just as Cicero, now in his eighteenth year, was beginning his law studies under the venerable Scaevola, the augur, the war deepened in intensity, the consuls for the year 89 B.C. being Cn. Pompeius Strabo and L. Porcius Cato. It is in the spring of that year that we catch a glimpse of him as a young recruit going to the battlefield, attached in some capacity to the *praetorium* and the person of the consul Pompeius Strabo himself. In reference to this connection with the northern army under Strabo, he says:

A soldier
in the
Italian war.

Cnaeus Pompeius, the son of Sextus, being consul, in my presence, when I was serving my first campaign in his army, had a conference with Publius Vettius Scato, the general of the Marsians, between the camps. And I recollect that Sextus Pompeius, the brother of the consul, a very learned and wise man, came thither from Rome to the conference. And when Scato had saluted him, "What," said he, "am I to call you?" "Call me," said he, "one who is by inclination a friend, by necessity an enemy." That conference was conducted with fairness: there was no fear, no suspicion; even their mutual hatred was not great; for the allies were not seeking to take our city from us, but to be themselves admitted to share the privileges of it.²⁹

It was during that campaign that the young Marcus

²⁸ *Brut.*, 93.

²⁹ Cicero, 12 *Philippicae*, xi.

First contact
with Pompey
the Great.

came for the time into contact with the consul's son, very near his own age, known in after years as Pompey the Great, a friend destined to exercise such a marked influence on his after life.

All courts
closed except
Commission
for High
Treason.

All hope of a forensic career was suspended of course, for the moment, by the war, which swept the more important advocates into the army, and closed all the courts except the Commission for High Treason, before which were brought the noblest men in Rome upon the charge of having "incited the allies to revolt." Among the victims was the great advocate Caius Cotta of whom Cicero writes: "His exile just at the time when I was most anxious to hear him was the first untoward incident in my career."³⁰ As Crassus had died the year before, and as his great rival Antonius, the famous orator of the seniors, Sulpicius Rufus, the most distinguished among the advocates in middle life, and Hortensius, the rising light of the younger bar, were away with the army, Cicero who, in the fall of 89 B.C., had returned to his father's house in the Carinae, was compelled to content himself with listening to the magistrates. He says:

Great advo-
cates away
with the
army.

The only trial we had, was that upon the Varian law; the rest, as I have just observed, having been intermitted by the war. We had scarcely anybody left at the bar but Lucius Memmius and Quintus Pompeius, who spoke mostly on their own affairs. . . . The rest, who were esteemed our principal speakers, were then in the magistracy and I had the benefit of hearing their harangues almost every day. Caius Curio was chosen a tribune of the people, though he left off speaking after being once deserted by his entire audience. To him I may add Quintus Metellus Celer, who, though certainly no orator, was far from being destitute of utterance; but Quintus Varius, Caius Carbo, and Cnaeus Pomponius were men of real eloquence, and might almost be said to have lived upon the *rostra*.³¹

³⁰ *Brut.*, 89.

³¹ *Ibid.*, 89.

During the next year it was, the year of Sulla's first consulship (88 B.C.), that the Social War was transformed into a Civil War in which for the first time Roman armies were opposed to each other on the battlefield, the leaders of the vanquished party being executed and their heads exposed on the *rostra* as those of enemies of the state. In the midst of such scenes such orators as Antonius, Sulpicius Rufus, Catulus, and Caius Julius³² all perished before quiet was restored for a time in 86 B.C. - It was during the dreadful year 88 B.C. that Marius with many other leaders of the popular party were declared public enemies immediately after Sulla had seized the city. Then it was that the new dynast was defied to his face by the frail and aged jurist Scaevola, the augur, who died shortly afterward, thus opening the way for Cicero to continue his studies in the civil law under his kinsman Mucius Scaevola, the pontifex maximus, of whom mention has been made already. The midnight did not begin to break however until the return from the East in 83 B.C. of Sulla, who, after a winter passed in Campania, pressed forward to Rome, overthrowing the younger Marius in 82 B.C., and entering the city without further opposition. Soon a last stand was made by the combined remnants of the Marians and Italians who were completely defeated in a battle fought under the walls of the capital.

Social, transformed into a civil war.

Sulla's return from the East in 83 B.C.

In the midst of the bloody drama enacted in that closing year of the Civil War, when each party seemed to be intent upon the annihilation of the other, perished Scaevola, the pontifex maximus, who seems to have been cut down while fleeing from the Regia, his official resi-

Death of Scaevola, the pontifex.

³² These, along with Crassus and his father-in-law, Mucius Scaevola, appear in the *De Oratore*.

dence, to the sanctuary of Vesta, not far away, before the very image of the goddess. In referring to the incident Cicero cries out: "Why was Scaevola, the pontifex maximus, that pattern of moderation and prudence, massacred before the statue of Vesta?"³³

Sulla's
dictatorship,
82 B.C.

Cicero began
his forensic
career in his
twenty-fifth
year.

Not until after the Republic had been distracted for nearly ten years by a civil war which suspended all forms of constitutional government, whether by Senate or Assembly, the disorganization extending from Rome to Italy and from Italy to the provinces, was there a restoration of law and order under the dictatorship of Sulla, who in the year 82 B.C., demanded from the Senate the office of dictator for an indefinite period, with the power of life and death over every citizen, and with plenary powers for the reform of the constitution. When under the Sullan régime the courts were reopened with certain serious changes of organization as to criminal judicature to be noted hereafter, Cicero, then in his twenty-fifth year, began his forensic career. He says:

This time was distinguished by a violent struggle to restore the liberty of the Republic; the barbarous slaughter of the three orators, Scaevola, Carbo, and Antistius; the return of Cotta, Curio, Crassus, Pompey, and the Lentuli; the re-establishment of the laws and courts of judicature, and the entire restoration of the commonwealth; but we lost Pomponius, Censorinus, and Murena, from the roll of orators. I now began, for the first time, to undertake the management of causes, both private and public; not with the view of learning on the Forum, as most did, but as far as had been in my power to accomplish, I came into the Forum fully trained.³⁴

³³ Cicero, *De Natura Deorum*, iii, 32.

³⁴ *Brut.*, 90.

CHAPTER V

THE ROMAN CONSTITUTION

HAVING outlined the career of Cicero down to the dictatorship of Sulla when, on the completion of his twenty-fifth year, his public life really began, an attempt must next be made to outline, down to the same point of time, the growth of the Roman constitution,¹ because it is impossible to understand his career, either as an advocate or as a statesman, without a definite comprehension of the system of government, constitutional and legal, with which he had to deal.

System of government with which Cicero had to deal.

The beginnings of the Roman constitution are embedded in the traditional history of the great city-state that arose on the banks of the Tiber out of the union of a group or groups of village communities, which certainly coalesced upon the general plan dominant in the Greek and Italian peninsulas. In Italy the village community appears as the *gens*; out of a union of *gentes* arose the tribe; out of a union of tribes arose the city-state. It seems to be clear that the Italian city was rather the fortress, the place of meeting, the place of shelter, of the tribe, or collection of tribes, than the actual home and dwelling place which it was according to Greek ideas. A group of Latin villages grew together to form a border fortress of Latium on the Etruscan march.²

Roman constitution in the regal period.

¹ "Constitutions are not made, they grow." — Sir James Macintosh. "Tum Laelius, nunc fit illud Catonis certius, nec temporis unius, nec hominis esse constitutionem Republicae." — *De Repub.*, ii, 21.

² The Latins began with a *Markgenossenschaft*, and the town, like the British *oppidum*, was at first a mere place of defense in case of the attacks of enemies. — E. A. Freeman, *Comparative Politics*, p. 257.

Rome as a
city-state.

Product of
a process
of federation.

Curia
the keystone.

Members of
the *curiae*
constituted
the *populus*
Romanus.

In the Latin city of Rome,³ which gathered around it the various classes of citizens, half-citizens, allies, and subjects, all looking to the local city as the common center, the idea of the single independent city—the ruling city—reached its highest development. In the structure of the early Roman city-state, which arose out of the aggregation of a group of village communities, the marks of fusion are more distinct than the traces of the admixture of races. No one can tell how long the process of federation was in progress, while of the constitution and history of the united city-state in the early days of its existence it is impossible to give more than a meagre outline.

According to tradition, the *populus Romanus* was divided into three tribes, Ramnes, Titienses, and Luce-res,⁴ and into thirty *curiae*, each *curia* representing a group of *gentes*, and each *gens* a group of families. The *curia*, whose members were probably neighbors and kinsmen, is generally regarded as the keystone of the primitive political system, and it doubtless represents a stage in political development midway between that in which clanship is the sole bond of union and that in which such claims as those of territorial contiguity and ownership of land have obtained recognition. Even in Cicero's time there were still curies, curial festivals, and curiate assemblies. The members of the thirty *curiae*⁵ constituted the

³ As to the admixture of non-Latin elements, Sabine and Etruscan, see Mommsen, *Römische Geschichte*, vol. i, p. 43. Jeffrey Gilbert, *Forum Romanum* (*Topographie*, i, c. 5), accepting the Sabine settlement, holds that in the union the Latin element decisively predominated.

⁴ The original legend, the topography of which there seems to be no good reason to doubt, comes out in *Dionysius*, ii, 50. For Mommsen's treatment of it, see *Röm. Gesch.*, vol. i, p. 33.

⁵ But, although the *curiae* had local centers, membership of these bodies did not depend on residence in a given locality. It was hereditary, and if the members of a *gens* migrated from its *curia*, the *gentiles* were still members of that state division. — Greenidge, p. 41.

populus Romanus, and the earliest known condition of Roman citizenship is the *communio sacrorum*, partnership in the curial *sacra*. The soundest view is that the primitive Roman people of the thirty *curiae* included all the freemen of the community, simple as well as gentle.⁶

The common chieftain, whose appointment federation made necessary, was the *rex*, the ruler of the united people.⁷ The terms *interrex* and *interregnum* go far to prove not only that Rome once had kings, but that those kings were elective and not hereditary. There must have been a time when the *interrex* really was, as his name implies, the magistrate who was to preside at the election, not of consuls, but of a king. When, in later times, there were no "patrician magistrates" to hold elections for their successors, a procedure was adopted which we have every reason to believe represented the manner in which the early kings were chosen.⁸

Rex as ruler
of united
people.

In the discharge of the manifold duties, secular and religious, that clustered around the royal office, the king was assisted by a body of elders, a representative body of chiefs, who, as a permanent advising body, stood to the king as the family council to the house-father in the earliest times. The Roman Senate was, no doubt, an outgrowth and expansion of that idea. The senators, the *patres*, taken from the leading *gentes*, held office for life, and, as the ultimate depository of the supreme power

Origin
of Roman
Senate.

⁶ Cf. Mommsen (*Römische Forschungen*, vol. i) as to the vexed question of the purely patrician character of the *curiae*.

⁷ That he was once the priestly head of a community bound together by common *sacra* is manifest from the survival of the *rex sacrificulus*, as he appears in Livy, vi, 41. But that his real title was *rex sacrorum* appears from Livy himself (xxvii, 6).

⁸ Cf. *De Leg.*, iii, 3; Liv., iv, 7.

Appoint-
ment of an
interrex.

and of the *sacra* connected with it, they claimed the right to appoint the *interrex* from their own body,⁹ to be consulted in the choice of the new king, and also the right to ratify the vote of the assembled freemen. Vacancies in their ranks were filled by the king, to whom they could give advice and counsel only when he saw fit to convene them. Before the close of the monarchy the number of senators, originally 100, was gradually increased to 300.¹⁰

The popular
assembly *co-*
mitia curiata.

Neither the Senate nor the popular assembly of united Rome could meet except when the king saw fit to convene them. In the earliest days that assembly (*comitia curiata*), in which the freemen voted by the *curia*, just as in an American convention the vote of the entire body may be taken by delegations,¹¹ met in the *comitium*¹² at the northeast end of the Forum, under the presidency of the king, or, in his absence, of the *interrex*. When the vote was put, the *curiae* were called in turn, and so voting took place *curiatim*. A majority of the votes of the *curiae* determined the final result, after the will of each *curia* had been declared by a majority of its qualified members.

Voting
curiatim.

Struggle
of plebeians
for political
and legal
equality.

An attempt must next be made to indicate the process through which the clanless classes, known as plebeians, fought their way from a depressed condition to one of political and legal equality with the patrician body, whose members dominated and controlled the early Roman

⁹ Tradition dates the *interregnum* from the first vacancy in the royal office, after the death of Romulus. — *De Repub.*, ii, 12, 23; Liv., i, 17; Dion., ii, 57. When such a vacancy occurred the auspices under which the state had been founded "returned to the *patres*" (Cicero, *Ad. Brutum Orator*, i, 5, 4) and not to the *comitia curiata*.

¹⁰ Liv., i, 8, 17, and 35; ii, 1; Greenidge, p. 59.

¹¹ See Bryce, *Studies in Hist. and Jur.*, p. 711.

¹² Varro, *L. L.*, v. 155. For the position of the *comitium*, see Smith, *Dictionary of Geography*, s. v. "Roma," and Jordan, *Topog. d. Stadt Rom*.

state. Putting aside the guesses of the antiquarians as to the original sources from which the clanless classes were drawn,¹³ it may be said that the plebeians (*plebs*, *plebii*) represented that part of the free community which stood beyond the pale of the *patres*, as the complement of that order. It is generally assumed that at a very early stage in the history of the city all plebeians were in a half-servile condition of clientship. Even if it be admitted that the plebeians had the right to hold property, both movable and immovable, to transfer it by quiritarian modes of conveyance, and to have the protection for it of the tribunals, the fact remains that they had no share in the government of the city, and no right to participate in its religion. While, even before the Servian reforms, the plebeians through the decay of clientage may have become half-fledged citizens, their intermarriage with the gentile houses was out of the question. During the first few centuries *gentes* they had none; a fact which placed them at a disadvantage in the matter of inheritance and guardianship.¹⁴

The aim of the military, financial, and constitutional reforms of Servius Tullus was to hasten the advance toward equality between patricians and plebeians by recognizing the latter for the first time as, in a sense, members of the state. The basis of the primitive military system had been the three tribes, each of which furnished one thousand men to the legions and one hundred men to the cavalry.¹⁵ Servius undertook the formation of a

Advance toward equality hastened by Servian reforms.

¹³ Freeman's guess is "that the new Roman people, the *plebs*, was made up from the beginning of strictly local tribes; it is certain that, as the state grew, it grew by the addition of fresh local tribes."—*Comp. Pol.*, p. 70.

¹⁴ On these obscure subjects, see Mommsen, *Staatsrecht*, vol. i, pp. 66 sq., pp. 130 sq.; Bloch, *Origines du sénat romain*, pp. 255 sq.; Karlowa, *Röm. RG.*, vol. i, p. 62; Cuq., *Inst. Jurid.*, pp. 43 sq.

¹⁵ Varro, *L. L.*, v, 89.

new and enlarged army on a new footing, disregarding both the old clan divisions and the semi-religious, semi-political *curiae*. The new system rested on a distribution of all freeholders (*assidui*) into tribes, classes, and centuries.¹⁶ As the new arrangement was to embrace the whole community, and as the plebeians, many of whom had no clans, could not be made members of the three primitive tribes, it was necessary to invent new tribes for their benefit which could include the whole community.¹⁷

New tribes
invented
for benefit
of *plebs*.

As a recognition of the rights of property was a necessary preliminary to the imposition of taxation and the full quota of military service, the tribes marked divisions of the land, and individuals were registered in that tribe in which their land allotment lay.¹⁸ It is probable, however, that the tribes were more than mere divisions of the land; they appear to be divisions of the *populus Romanus*, of which the disinherited or ruined patrician who had lost his land was still a member.¹⁹ The central idea of the Servian reforms was essentially military, and its methods of registration recognized only those persons who were qualified for service by wealth—wealth being the primary basis of classification. For strategic purposes the new array was divided into classes,²⁰ ac-

Wealth
primary
basis of
classification.

¹⁶ *De Repub.*, ii, 22; Liv. i, 4; Dion., iv, 16.

¹⁷ The four were the Palatina, Suburana, Exquilina, Collina. Cf. Liv., i, 43. Mommsen holds that "the four tribes are probably nothing more than the three Romulian increased through the *territorium* of the town on the Quirinal." — *Staatsrecht*, vol. iii, p. 125.

¹⁸ For that reason Servius is said to have prohibited transference of domicile or allotment. — Dion., iv, 14.

¹⁹ "The tribe to which a landless man belonged would depend upon his domicile." — Greenidge, p. 68.

²⁰ For service in the first class the property qualification is given at 100,000 asses (Livy), for the second at 70,000, third 50,000, fourth 25,000, fifth 11,000. A certain acreage of land, as an original qualification, was probably changed afterward into a given sum of money. Cf. Mommsen, *Römische Tribus*, p. 115.

according to age, the unit of organization being the *centuria*, consisting nominally of one hundred men. The act of registration (*census*) was a solemn religious function conducted by the king, who numbered his fighting force, saw that each warrior was in his proper rank, excluded from the ranks men who were stained with sin, and then concluded the examination with a ceremony of purification (*lustrum*). This system, at first exclusively military in its nature and objects, was subsequently adopted with modifications as the basis of the political system.

Registration
a religious
function.

Despite the fact that the primary purpose of the centuriate organization was the assembly and registration of those liable for military service, it was soon employed as a scheme for the collection of taxes on the registered wealth of the citizens of the classes. Thus a new and mixed assembly sprang into existence, the *comitia centuriata*, a citizen army, parliament and law court in one, to which a preponderance of political power was inevitably transferred.

The *comitia*
centuriata.

While the older assembly of the patrician order, *comitia curiata*, was not suddenly stripped of its functions, there was a large number of important public acts which were naturally performed from the first by the assembly of the centuries because especially within its jurisdiction. To this assembly an announcement of a purpose to declare war could most appropriately be made; by the taxpayers here assembled the war tax (*tributum*) could be most conveniently assessed; here the oath of allegiance, probably renewed at every taking of the *census*, was expressed in a *lex centuriata*,²¹ and not, as at first, in a *lex*

Growth of its
jurisdiction.

²¹ "Majores de singulis magistratibus bis vos sententiam ferre voluerunt; nam cum centuriata lex censoribus ferebatur, cum curiata ceteris patriciis magistratibus, tum iterum de eisdem judicabatur." — Cicero, *De Lege Agraria*, ii, 11, 26. Cf. Greenidge, pp. 72-77.

curiata; and here, no doubt, was exercised the appellate power, when the king allowed an appeal in a criminal proceeding, because the regal jurisdiction which the people challenged by the *provocatio* was essentially military jurisdiction.

Supersedes
the *comitia*
curiata.

Thus before the end of the regal period a silent yet momentous change was wrought in the structure of the primitive constitution through the transference of the substance of sovereignty from the *comitia curiata*, that assembly of a single order, to the *comitia centuriata*, representing both orders, now blended in the *populus Romanus* in the full sense of that term. In the process of time the oldest sovereign assembly of Rome, *comitia curiata*, became a mere shadow of its former self. Its chief surviving constitutional functions were the passing of the *lex curiata*, which was necessary for the ratification originally of the *imperium*, the creation of fresh patrician magistracies, and of the *potestas* which these involved.²² For the performance of such acts the *comitia curiata* was in Cicero's day often represented by but thirty lictors,²³ and the same scanty attendance may have sufficed for the other formal acts retained from earlier times.²⁴

Merely a
survival in
Cicero's
time.

²² Messala *ap. Gell.*, xiii, 15, 4: "Minoribus creatis magistratibus tributis comitiis magistratus, sed justus curiata datur lege."

²³ *De Leg. Agr.*, ii, 12, 31.

²⁴ These are the acts of the *comitia calata*. Upon the whole subject, see the interesting statements of Greenidge, pp. 26-27, 250-51 and notes. After the overthrow of the Republic, all the Roman popular assemblies died out and became obsolete without being formally abolished. The power of direct legislation then passed to the Senate. The *comitia* gradually became a mere name under Augustus and Tiberius. Caius, after professing to restore the assembly to its old powers, withdrew his own gift. For a notable description of the change, see Dion Cassius, lix, 20, who says: ἀπέδωκε μὲν γὰρ τὰς ἀρχαιρεσίας αὐτοῖς· ἅτε δὲ ἐκείνων τε ἀργότερων ὑπὸ τοῦ πολλῷ χρόνῳ μὴδὲν ἐλευθέρως κεχρηματικέναι ἐς τὸ δρᾶν τι τῶν προσηγόντων σφίσιν ὄντων, καὶ τῶν σπουδαρχιώντων μάλιστα μὲν μὴ πλείονων ἢ ὅσους αἰρεῖσθαι ἔδει ἐπαγγελλόντων, εἰ δὲ ποτε καὶ ὑπὲρ

Such criminal jurisdiction as the state did exercise in the early days was vested in the king, who, as judge—

Criminal jurisdiction originally vested in king.

. . . . sometimes availed himself of a "council"; sometimes, perhaps in cases of minor importance, delegating his judicial powers to individual "judges"; aided, in his quest of capital crimes, by the *questores parricidii*; appointed at his pleasure, in cases of treason, the extraordinary *duumviri*; allowing, though perhaps not bound to do so, an appeal from the latter to the assembled burgesses,—this is all we can recognize with any degree of confidence.²⁵

The king—

. . . . specified the crime under which the accused was to be tried, and the penalty to be inflicted, but left the finding on the facts to his delegates (Liv., i, 26). Two such classes of delegates are attributed to the regal period, the *duumviri perduellionis* and the *quaestores parricidii*.²⁶

If the boundary between civil and criminal jurisdiction existed at Rome at all, it was very faintly defined. Roman law continued to treat to the last as civil delicts acts now regarded exclusively as crimes. If a conclusion may be drawn from the position they held in the later jurisprudence, theft and robbery were regarded not as public but as private wrongs.²⁷ The power of punishment exercised in early times by the king and the *comitia centuriata* was shared in later times by the Senate. While in cases of special importance the *comitia* and the Senate

Boundary between criminal and civil jurisdiction faintly defined.

τὸν ἀριθμὸν γένοιτο, διομολογουμένων πρὸς ἀλλήλους, τὸ μὲν σχῆμα τῆς δημοκρατίας ἐσώζετο, ἔργον δ' οὐδὲν αὐτῆς ἐγίγνετο, καὶ διὰ τοῦτο ὑπ' αὐτοῦ αὐτοῖς τοῦ Γαίου κατελύθησαν· καὶ τούτου τὰ μὲν ἄλλα καθάπερ καὶ ἐπὶ τοῦ Τιβερίου καθίστατο. Finally senatorial legislation was superseded by imperial legislation. See the author's *Science of Jurisprudence*, p. 118.

²⁵ Clark, *Early Roman Law*, p. 87, citing Heineccius, *Elementa Juris Civilis*, §136.

²⁶ Greenidge, p. 63.

²⁷ Muirhead, *Roman Law*, p. 69.

*Questiones
perpetuae.*

Each stand-
ing commis-
sion estab-
lished by a
special law.

Procedure in
civil cases.

Trial
by battle.

College of
pontiffs.

exercised their power directly, it was usually delegated in each case to a magistrate or a body of commissioners. Such commissioners (*quaestors*) were appointed at first for particular cases, and afterward for particular classes of cases.²⁸ The series of statutes by which *questiones perpetuae* were instituted for the trial of particular classes of crimes wherever committed, beginning with the *lex Calpurnia*, 149 B.C., continued until a number of courses of conduct had been from time to time branded as criminal. Each standing commission was established by a special law, and consisted of a praetor chosen annually, assisted by a small popular assembly consisting sometimes of as many as 100 *judices*, who were summoned for each particular case. It was before popular courts of that character, presided over by a praetor, that Cicero delivered his famous orations in criminal cases. By the constitutional legislation of Sulla, as we shall see hereafter, the control of such courts (*questiones perpetuae*) was taken away from the equestrian order and restored to the Senate.

Turning from criminal to civil procedure, it appears that there was a time when all questions of quiritarian right, such as disputes concerning property and inheritances, were settled between the contending parties, supported by their clansmen and friends, with the spear as the arbiter.²⁹ After the firm establishment of the authority of the state, it appears that this procedure by battle was at a very early day superseded by a submission of such questions of right to the college of pontiffs, of whom

²⁸ There are traces in very early times of standing *quaestores parri-
cidii*. — Ortolan, *Explication historique des Instituts*, vol. i, pp. 182–83.

²⁹ The praetor commanded the parties to go to the ground *suis utrisque
superstitibus praesentibus*. Cf. Cicero, *Pro L. Murena*, xii, 26. "Sicut
dixi, ecce tibi, vindictam imposui." — Gaius, iv, 16.

the king was the official head.³⁰ As their functions were sacred, the pontiffs could only acquire jurisdiction over a purely civil controversy through the engrafting of a sacred element which was added by requiring each of the parties to verify his contention by an oath, whose truth or falsity constituted the ostensible issue. Under that form a finding was made on the real issue, and the party in whose favor it was pronounced was free to make it effectual by self-help, if necessary.³¹

A sacred
element
necessary.

Did Servius Tullius substitute for king and pontiffs a numerous court of citizens to try questions of quiritarian right upon his submission? If he did, was it his intention that the judges should be selected from among the patrician citizens for each case as it arose, or was it a collegiate court or courts that he established, in which the judges had an official character? Dionysius says that Servius drew a line of separation between public and private judicial processes, and that, while he retained the former in his own hands, he referred the latter to private judges, and regulated the procedure in cases brought before them.³² Such a substitution for king and pontiffs of a numerous court of citizens to try questions of quiritarian right seems quite in harmony with the general spirit of the reforms of Servius, who, by enormously increasing the number of citizens entitled to that right, multiplied the sources of such future disputes as would have to be determined by such a tribunal or tribunals.³³ By their

Servian
reforms.

Popular
courts substi-
tuted for king
and pontiffs.

³⁰ On early Roman law, see the work of P. Jörs, *Römische Rechtswissenschaft zur Zeit der Republik* (1888).

³¹ As to the nature of the *legis actio sacramento*, see Asverus, *Die Legis actio sacramenti*, Leipzig, 1837; Fioretti, *Legis actio sacramenti*, Naples, 1883; Sohm, p. 153; Maine, p. 46.

³² Dion. Hal., iv, 25.

³³ "Thus we should *a priori* arrive at the institution of some other court besides the king's, without the testimony of Dionysius, as a simple matter

judgment not mere matters of personal dispute had to be determined, but a law had to be built up which could be of general and permanent application. There were, however, many cases requiring judicial assistance involving no question of quiritarian right, no general principle of law, simply personal claims, mere disputes or differences as to facts, which could well be decided by a single judge.

The trial of civil cases, originally vested in the college of pontiffs, of which the king was the official head, was thus finally transferred by him to a single judge (*unus iudex*), who acted as a royal commissioner in each case as it arose.³⁴

Habit of intrusting judicial office to private citizen.

From that habit of intrusting the judicial office to a private citizen, chosen for each individual case, and acting on a commission from the praetor, instead of to officials trained for the purpose, flowed results which contributed more perhaps than any other one cause to make Roman law what it is and has been. Such was the beginning of a system that bore such wonderful fruit, and finally displaced altogether the more imposing centumviral and decemviral courts.

Beneath the fabulous story of the flight of the kings, of necessity. . . . The best modern authorities admit the existence of the *judices* under the kings, whether their institution is to be attributed to Servius or not." — Clark, p. 100, citing Walter (trad. par Laboulaye), *Procédure civile chez les Romains*, ch. i; Ortolan, *Histoire de la Législation romaine*, §§ 117, 162; Zumpt, *Criminalrecht*, Absch. i, 4.

³⁴ Wlassak contends that originally in *legis actiones* the trial commonly took place before a *unus iudex*, and that the centumviral and decemviral courts did not come into existence until much later than the *Twelve Tables*, in accordance with the statement of Pomponius.—*Röm. Prozessgesetze*, vol. i, pp. 131 *sq.* It seems to be clear that in the later Republic the *decemviri stlitibus judicandis* were chiefly engaged in trying actions affecting personal liberty.—Sohm, p. 150, n. 2. All sworn judges, including the *decemviri*, stood to the parties solely in the position of private individuals (*iudex privatus*), and not in the position of magistrates equipped with compulsory powers.—Pernice, A., *ZS. der Sav. St.*, vol. v, p. 48.

as told by the chroniclers whom Livy³⁵ followed, it is not hard to perceive the marks at Rome of the widespread wave of change similar to that which in Greece swept away the old heroic monarchies. At Rome, however, the transition was, externally, more sudden and decided.

Transition
from kings
to consuls.

Rome had nothing answering to the archonship for life or ten years; into the place of the kings, chosen for life, there at once stepped the two consuls, or rather, praetors, chosen for a single year.

After personal kingship was abolished, the new magistrates simply took the place of the king and kept it; the kingly office was simply put into commission with nothing taken away from its power and not much from its dignity. Even the title of king lived on at Rome as the style of one of the priests of the national religion (*rex sacrificus, rex sacrificulus, rex sacrorum*).³⁶ In the conservative commonwealth of Rome, which never wholly abolished any of its ancient institutions, we see how both the kingly and aristocratic elements of the state, in the common acceptance of those terms, might be swept away without at all sweeping away the substance of either the kingly or the aristocratic power. To the consuls were given two general assistants, the annually appointed quaestors, whose most distinctive duties as representatives of the supreme magistracy were those concerning criminal jurisdiction and finance, probably occupying with respect to criminal procedure much the same place as

Annually
appointed
quaestors.

³⁵ Liv., ii, 9-14. Consult also Pliny, *N. H.*, 34, 14, and Tac., *Ann.*, iii, 72. For criticism of the whole story, see Schweigler, vol. ii, pp. 60-202, and Goeller, *Latium u. Röm*, p. 180.

³⁶ Liv., vi, 41; xl, 42. That his real title was *rex sacrorum* appears from Livy himself (xxvii, 6), from Gellius (xv, 27), and Cicero (*Pro Domo sua*, 14). *Rex sacrificulus* must have been a survival of a real *rex*. Cf. Freeman, *Comparative Politics*, p. 32.

the *duoviri* in the trial of Horatius.³⁷ While in the choice of the members of their council of state, the Senate, the consuls were legally as unfettered as the king had been, they were so restrained by custom that the senators were no doubt protected against either capricious removal or selection.

Senate a stronghold of patrician influence.

The patrician clans had a close hereditary connection with the Senate, and the history of the next century and a half represents it as the stronghold of patrician prejudice and influence. In great emergencies it could recreate the single kingship by the appointment of a dictator.³⁸ Under normal conditions the criminal law, which was becoming more and more secularized and removed from the direct control of religion, was monopolized by the official class, as a criminal inquiry could be undertaken solely on the initiative of the consuls who were ostensibly the only guardians of the criminal code.

Consuls as guardians of criminal code.

Patrician power limited by tribunes.

Against such recognized forms of patrician power the plebeians renewed their struggle for legal and social equality armed with little more than the restricted voting power they had won in the *comitia centuriata*.³⁹ The primary purpose of the *plebs* was to defend themselves by limiting the power of the magistrates in the earliest

³⁷ Liv., i, 26. As to the tradition which assigns these officials to the regal period, see Mommsen, *Staatsrecht*, vol. ii, pp. 523 sq. He thinks that while the financial quaestors, as standing officials, originated with the Republic, they had their origin in the criminal *quaestores* of the regal period. Cf. Greenidge, pp. 63, 80.

³⁸ Mommsen's theory is that the dictator was regarded as the superior colleague of the consuls. His earliest official title was *magister populi*, the technical title in the augural books.—*De Leg.*, iii, 3, 9. In deference to republican sentiment he was later called *dictator*.—*Staatsrecht*, vol. ii, pp. 145, 153.

³⁹ It seems to be beyond doubt that at some time during the first three centuries of the Republic plebeians were included in the *comitia curiata*.—Mommsen, vol. iii, p. 93.

social struggles which centered around the possession of the public land⁴⁰ and the law of debtor and creditor. When the consul Appius renewed the enforcement of the law of debt, the plebeian military contingent suddenly gathered in battle array and demanded the appointment of two magistrates, known as tribunes,⁴¹ who should have the power of suspending the decrees of the consul when leveled against a member of the *plebs*. These magistrates, originally two in number, and recognized by a *lex centuriata* passed 494 B.C., must from the first have been elected by an assembly of the *plebs* known as the *concilium plebis curiatim*.⁴² In dealing with these different assemblies it must never be forgotten that—

Elected by
an assembly
of the *plebs*.

. . . practically we are treating the Roman community engaged with different orders of the day under different formal rules. The people require to be organized in one way for one function and in another way for another, but under the changing forms there is a unity of personnel which forbids us regarding the different assemblies as different sovereigns. The only disturbance to this unity is found in the fact that the patricians were always excluded from the *concilium* of the *plebs*.⁴³

Not until 287 B.C. were the resolutions of the *plebs* first raised to the level of laws.⁴⁴ The magistrates of the *plebs* were given two assistants, called aediles, who bore the same relation to them as the two quaestors did

Resolutions
of *plebs*
made laws
in 287 B.C.

⁴⁰ As to the early distribution of land among plebeians, see Muirhead, pp. 39 ⁵⁹.

⁴¹ Varro, *L. L.*, v, 81: "tribuni plebei, quod ex tribunis militum primum tribuni plebei facti, qui plebem defenderent, in secessione Crustumina." Cf. Greenidge, p. 93.

⁴² Cicero, *ap. Ascon. in Cornel.*, p. 76: "Tanta igitur in illis virtus fuit, ut anno XVI. post reges exactos propter nimiam dominationem potentium secederent . . . duos tribunos crearent."

⁴³ Greenidge, p. 250.

⁴⁴ By the *lex Hortensia* the *concilium plebis* was made one of the legislative organs of the community. — Gaius, i, 3. See also Pompon., *Dig.*, i, 2, 2, 8.

Aediles as
assistants
of tribunes.

to the consuls.⁴⁵ Not until 462 B.C. did the plebeian community attempt to advance beyond the system of defensive control over the magistrates of the state by establishing such an equality in the administration of the law as would render this clumsy negative system unnecessary.

Making
of the code of
the *Twelve*
Tables.

Prior to the *Twelve Tables*, the private citizen of Rome had no means of ascertaining the law except by asking some sage, who need not answer unless he please, and whose view had no authority except that which his personal reputation implied. In 462 B.C. a tribune made a proposal to the *concilium* of the *plebs* that a commission of five be appointed to clear up the forms of legal procedure;⁴⁶ and in the next year a resolution of the whole college of tribunes was framed for that end. First a commission of three was appointed to gather information from the Greek codes, and then a commission of ten patricians with consular powers (*decemviri consulari imperio legibus scribendis*), whose duty it was to frame and publish a code of law binding equally on both orders and creating equal rights for all.⁴⁷ The outcome was the *Twelve Tables* which, after confirmation by the centuries, were published to the masses by the consuls of 448 B.C.;⁴⁸ and, in the words of Livy, remained the "fountain of all public and private law."⁴⁹ The code was thoroughly Roman, both as to substantive and ad-

Published by
the consuls
of 448 B.C.

⁴⁵ "Tribunos et aediles tum primum per seditionem sibi plebes creavit." — Gell., xxiii, 21. See also Pompon., *Dig.*, i, 2, 2, 21; Dion., vi, 90.

⁴⁶ Liv., iii, 9; Pompon., *Dig.*, i, 2, 2, 4; Mommsen, *Staatsrecht*, vol. ii, p. 202.

⁴⁷ "Se . . . omnibus, summis infimisque jura aequasse." — Liv., iii, 34.

⁴⁸ "Leges . . . in aes incisas in publico proposuerunt." — Liv., iii, 57, 10. Pomponius says, "in tabulas eboreas prescriptas." — *Dig.*, i, 2, 2, 4.

⁴⁹ "Decem tabularum leges quae nunc quoque in hoc immenso aliarum super alias acervatarum legum cumulo fons omnis publici privatique est juris." — Liv., iii, 34.

jective law, and so remained eminently national and un-Hellenic to the end of the Republic.⁵⁰

Not until eighty-one years after the close of the struggle that culminated in the enactment of the decemviral code was the administration of civil law (*jus civile*) severed from the consulship and entrusted to a separate magistrate known as the *praetor urbanus*⁵¹ who, if not a jurisconsult himself, was a magistrate entirely in the hands of those who were. The law the *praetor urbanus* administered was the local law of a city, now called *jus civile* in the special and narrower sense of the term, the *jus proprium civium Romanorum*. More than one hundred and twenty years after the creation of the *praetor urbanus*, a new praetor was appointed at Rome, 242 B.C., known as *praetor peregrinus*, whose duty it was to decide cases between foreigners (*perigrini*) and between Roman citizens and foreigners. An attempt has been made already to explain the necessity for the appointment of this new judge out of whose jurisdiction grew the *jus gentium*, the law common to all nations,⁵² by whose broad and philosophic conceptions the narrow archaic law of Rome was so enriched and expanded that in time it was largely superseded. Finally it could be said that, as a result of that process, "Roman law was finished; the local law of the city had passed into a law available for the world in general."⁵³

No mention has so far been made of the creation of the office of *censor*, which from small beginnings⁵⁴ grew

Praetor urbanus, 367 B.C.

Administered local law.

Praetor peregrinus, 242 B.C.

Jus gentium.

Censor and his duties.

⁵⁰ Cf. Bryce, p. 755.

⁵¹ "Cum consules avocarentur bellis finitimis neque esset, qui in urbe jus redere posset, factum est ut praetor quoque crearetur, qui urbanus appellatus est, quod in urbe jus redderet." — Pompon., *Dig.*, i, 2, 2, 27.

⁵² See above.

⁵³ Sohm, p. 86.

⁵⁴ Liv. i. c.: "Idem hic annus censurae initium fuit, rei a parva origine ortae." — Greenidge, p. 115.

*Regimen
morum.*

Constitution
of city-state
in second
half of fifth
century B.C.

into one of the greatest of political prizes. In the year 443 B.C. two new officials, called *censores*, were created, who were to be elected by the assembly out of the patriciate, whose primary duty was to attend to the registration, which involved indirectly not only the imposition of pecuniary burdens on individuals, but also an inquisition into character always necessary as a qualification at Rome for the performance of the humblest public function.

Thus it came to pass in time that the rule of manners (*regimen morum*) overshadowed every other aspect of the *censor's* office.

Such, in general terms, was the nature of the constitution of the city-state in the second half of the fifth century before Christ, when Rome was still an aristocratic community of free peasants, occupying an area of about 400 square miles, with a population estimated at not more than 150,000.⁵⁵ That population dispersed over the countryside was divided into seventeen districts or rural tribes, most of the families having a cottage of their own and a small holding, where father and sons lived and worked together, with the cattle kept at pasture on the neighboring commonland. The constitution of the Roman city-state was slowly evolved; it was the outgrowth of the character of the Roman nation; and its form was therefore in strictness that of a restrained democracy.

⁵⁵ Ferrero, *Greatness and Decline of Rome*, vol. i, p. 1, who says: "It is true that, according to Livy, iii, 24, the census of 459 B.C. counted 117,319 citizens, which would give a free population of about 400,000. But these figures do not seem to me probable, for the following reasons: (1) If Rome had at that time had as many as 120,000 soldiers, she would not have experienced so much difficulty in conquering the small neighbouring peoples. (2) A population of over 1,000 inhabitants to the square mile could not possibly have subsisted, no matter how poor, at a time when Rome lived entirely on the produce of the land. (3) These figures do not agree with others which are more certain."

It was in fact more popular in form than any other of which there is a record in history.

As the ancient world knew nothing of the Teutonic invention now called representative government, the sovereign powers of the city-state were vested in a primary assembly, *comitia*, in which, as in a New England town meeting, each citizen represented himself.⁵⁶ The magistrates were elected annually by the assembly, a supreme court of appeal without whose sanction no freeman could lawfully be put to death. In the assembly was vested the supreme power of legislation, where consul, praetor, or tribune could propose a law to the people, who could accept it, if it pleased them, and then swear all public officials to obey it under penalty of treason. As a check on the possible rashness of such a democracy, it was provided that a veto might be interposed by a single consul or tribune, which, however, would be binding only during his year of office. Thus a way was provided for making that question a condition for popular approval at the next election.

Sovereign powers of the state vested in a primary assembly.

The veto power.

In the early days at Rome, law-making devolved entirely upon primary popular assemblies which could be convoked and presided over only by a magistrate; no discussion took place in them; they met only on propositions of the presiding magistrate, who alone could speak, and who spoke only to put the question. They voted once only, and that vote was final and supreme, requiring no assent of or confirmation by any other body, but operating directly to create a rule binding all members of the state. In order that it might be understood by the ordinary citizen, the bill proposed was necessarily

Vote of assembly final and supreme.

⁵⁶ Just like a Homeric *ἀγορά*, an Athenian *ἐκκλησία*, a Frankish *mallum*, an old English *gemot*, an Icelandic *thing*. Cf. Freeman, pp. 46, 130, 136, 142, 148.

Bills not
amendable.

clear and terse. As it could not be amended by the assembly the proposing magistrate responsible for it was likely to prepare it with scrupulous care, as it could not be corrected at any later stage or in any other legislative body.⁵⁷

Senate func-
tions advi-
sory and ad-
ministrative.

The functions of the Senate were primarily advisory and administrative, both as to religious and secular policy; it was without direct legislative authority. And yet as a matter of custom and not of right it was permitted in normal times to preconsider new schemes of legislation prior to their submission to the assembly, and to refuse to recommend them, if they were considered inexpedient. It was the duty of the Senate to express its opinion of a proposed law before and not after the popular assembly, and by the *lex Hortensia*, in 287 B.C., the resolutions of the assembly of the *plebs* became law even without the ratification of the Senate.⁵⁸ Thus it was that the assembly of the tribes slipped from the control of the Senate, while about 241 B.C. the assembly of the centuries was reformed in such a way as to deprive the rich of much of their former influence.

*Lex Horten-
sia*, 287 B.C.

Sovereign
powers
gradually
usurped by
the Senate.

The problem of problems in the history of the Roman constitution is that involved in the process through which the sovereign powers, originally vested in what Momm- sen calls "a clumsy collegiate government" by popular assemblies, were gradually usurped by the Senate as the organ of a rich and powerful aristocracy. The explanation is to be found in the fact that as the dominion of

⁵⁷ Cf. Bryce, pp. 708 *sq.*

⁵⁸ Gaius, i, 3: "Olim patricii dicebant plebi scitis se non teneri, quia sine auctoritate eorum facta essent; sed postea lex Hortensia lata est, qua cautum est, ut plebi scita universum populum tenerent, itaque eo modo legibus exaequata sunt." By the date of the *lex Hortensia* (287 B.C.) the republican constitution had, in all essential points (considered as the constitution of a city-state), completed its growth. — Greenidge, p. 132.

the city-state was extended over a vast area of territory which it was compelled to govern, without the modern device known as representative government, the archaic democratic machine simply broke down in the presence of an impossible task. The stress of incessant war made it plain that the Senate as a permanent body of trained administrators was the only power capable of conducting affairs when a large part of the voters, who nominally composed the assemblies, were away with the legions; and who, even when assembled, were ill qualified to settle momentous and complex questions of military strategy and foreign affairs.

Why the archaic democratic machine collapsed.

As conquest advanced, the spoils of war, including money, poured mainly into the hands of the senatorial families and into those of certain great commoners who, converting money into political power, bought their way into the Senate through elections to the magistracies which were open to all. Clubs and coteries managed the elections to the offices of quaestor, aedile, praetor or consul, and in that way those who won magisterial power passed for life into the Senate, which, as the permanent council of state, became the real governor of the growing Empire. From its own membership it appointed governors of the provinces, it controlled the revenue, and directed the public policy.

Senate a permanent council of state.

The land question, the eternal question at Rome, arose out of the habit of adding to the public domain (*ager publicus*) a third or more of the confiscated lands of the conquered, a national fund constantly mismanaged and plundered throughout the period of the Republic. Old agrarian troubles beginning in that way were intensified when, with the concentration of wealth in a few hands, small holdings were swept together, by purchase and by

The land question.

Great estates. fraud, into great estates whose proprietors, as conquest advanced, began to purchase slaves by thousands. It is said that, about the beginning of the first century B.C., the greater part of the lands of Italy, used largely for sheep farming, were held by not more than two thousand persons. Thus the small farmers everywhere, even if they were able to keep their lands, were ruined by the unfair competition of slave labor. And, as the slave settlements established on the great estates grew, the villages of freemen disappeared, thus diminishing the material for the legions, and driving into Rome the dregs of the free population who, with votes to sell, became the clients of the millionaires.

Slave labor. Two stages of disintegration. The first stage in that process of disintegration is marked by the natural expansion of Rome over Italy; the second, by the sudden conquest of the Mediterranean Basin completed by the fall of Carthage, 146 B.C. After reviewing the history of such expansion down to that point a leading authority has said:

Origin of Roman imperialism. It was during this slow decomposition of the military, agricultural, and aristocratic society, which began after Rome had won the supreme power in the Mediterranean, and through the working of the forces of commerce and capitalism, that Roman Imperialism, as we know it, was called into being.⁵⁹

Expansion drew the line between *optimates* and *populares*. Thus it was that expansion through military conquest drew the line at Rome between the over-rich and powerful few and the destitute many—variously described as the rich and poor; the *optimates*, the best, and the *populares*, the people; the possessors and the non-possessors. At the head of the *optimates*, with their growing estates and swelling millions, backed by vast political and judicial powers, stood the senatorial oligarchy.

⁵⁹ Ferrero, vol. i, p. 38.

Against that array stood the people who, still believing in the gods, were steadfast in their resolve to preserve what remained of the ancient constitution by saving from annihilation the old independent yeomanry who had composed the legions by whose valor the Empire had been built up, by regaining the public lands unlawfully in possession of the monopolists, by restoring the purity of elections, and by reëstablishing the simple habits of life that had prevailed in earlier times.⁶⁰

The first champion of the great proletarian rising of the oppressed thousands throughout Italy was Tiberius Gracchus, born of a plebeian family whose ancestors had held for several generations the highest offices in the Republic. In his father's house he was trained under the most famous Greek philosophers of the day; and there he had heard the lamentations of notable statesmen who were seeking some reform that would avert the chaos threatened by the social and military decadence. On his return from military service in Spain, where he had witnessed the rapid disintegration of the army, he passed through Tuscany where he saw the great estate system in full operation—the free citizens of the Republic being cast aside as aliens in their own country by slave-gangs cultivating the fields of landlords whose domains had not even been fairly purchased.

Tiberius
Gracchus
first cham-
pion of
proletariat.

Thus inflamed, the young and sanguine reformer revived the long-forgotten agrarian agitation with the hope of removing the distress at Rome and of arresting the decay of the army. His contention was that the dying country towns of Italy would be revived, and the whole military problem solved at a blow, if the state lands could only be recovered and then divided into small hold-

His scheme
of reform.

⁶⁰ Froude, *Caesar*, pp. 21-24.

Madetribune
in 133 B.C.

ings, upon which the distressed poor of Rome and Latium could be settled as peasant proprietors. He said to the people: "You are called 'lords of the earth' without possessing a single clod to call your own." Such a cause, backed by such eloquence, easily lifted Tiberius into the tribuneship for the year 133,⁶¹ where he proposed that the state should resume all of the "common land" not occupied by authorized persons and in compliance with the Licinian law.⁶²

His illegal
acts brought
about his
death.

Land
commission.

When the landlords discovered that they could not count even upon the solid support of the Senate they attempted to prevent an adverse vote in the assembly by inducing a colleague of Tiberius to interpose his tribunician veto. Thus thwarted, the impetuous reformer called upon the people to depose his colleague in defiance of the constitution, and then to pass the bill, despite the veto, which they did. When he took the second illegal step by offering himself to the *comitia* for reelection the Forum became the scene of violence and bloodshed in which Tiberius perished with many of his friends.⁶³ But even such a catastrophe did not prevent the three commissioners appointed under the land bill, one of them the only brother of Tiberius, from prosecuting their task. They made their way through Cisalpine Gaul and the south of Italy delimiting and distributing the public lands;⁶⁴ and in that way, it is said, that within two years forty thousand families were settled on various parts of the *ager publicus* which the patricians had been compelled to resign.

⁶¹ Lange, *R. A.*, vol. iii, p. 7; Plut., *Tib. Gr.*, 9.

⁶² Plut., *T. Gr.*, 9-14; Appian, *B.C.*, i, 9-13; Liv., *Epit.*, lviii; Cic., *De Leg. Agr.*, ii, 31; Mommsen, *R. G.*, vol. ii, pp. 68 sq.

⁶³ Cf. Meyer, *U. G. G.*, pp. 24ff.

⁶⁴ Barnabei, in *Notizie degli scavi*, March, 1897; Ferrero, vol. i, p. 48.

The leadership of the popular movement inaugurated by Tiberius through gross illegality, resulting in his own death and that of many others, passed into far stronger hands when his brother Caius, one of the three land commissioners, was elected tribune of the people for the year 123 B.C.⁶⁵ During the ten years that had passed by since his brother's election to that office Caius, who was his superior both in character and intellect, had devoted himself to reading, and, as Cicero tells us, to the cultivation of his oratorical style:

Caius Gracchus tribune, 123 B.C.

His language was noble; his sentiments manly and judicious; and his whole manner great and striking. He wanted nothing but the finishing touch: for though his first attempts were as excellent as they were numerous, he did not live to complete them. In short, my Brutus, he, if anyone, should be carefully studied by the Roman youth; for he is able, not only to sharpen, but to enrich and ripen their talents.⁶⁶

Cicero's sketch of him.

Thus equipped, the new tribune, who had been schooled in adversity, and admonished by his brother's failure through his reliance for support on one section only of the community, understood perfectly that the combination against him, consisting of "a small and exclusive oligarchy of landlords and traders, bankers and concession hunters, artisans, adventurers, and loafers,"⁶⁷ could not be overcome unless he could formulate such a program as would appeal to the self-interest of many constituents. With that idea in his mind, Caius, as the avowed enemy of the Senate, threatened its control of the administration by proposing to restrict its freedom of action in assigning the provinces;⁶⁸ by taking out of

His scheme of reform.

⁶⁵ Plut., *C. Gr.*, 3.

⁶⁶ *Brut.*, xxxiii, 125.

⁶⁷ Ferrero, vol. i, p. 51.

⁶⁸ *Lex Sempronia de provinciis consularibus*; *Pro Domo Sua*, 9; Cicero, *De Provinciis Consularibus*, 2, 7.

its hands the control of the recently established court for the trial of cases of magisterial misgovernment in the provinces;⁶⁹ and by declaring the summary punishment of Roman citizens by the consuls on the strength of a *senatus consultum* to be a violation of the law of appeal.⁷⁰

Poor-relief.

Established
citizen
colony.

Extension
of Roman
citizenship.

He conciliated the poor by proposing a law providing that every Roman citizen, on personal application, should be given corn from the public granaries at half or less than half of the market price;⁷¹ and, as a further measure of poor-relief, after establishing new colonies in Italy, he founded the first citizen colony established by the Romans outside of Italy by sending six thousand settlers, Italians as well as Romans, to the site of Carthage, founding there a colony called Junonia.⁷² But last and most important of all, his master stroke was embodied in a proposal, suggested by Flaccus, to make the Roman Empire into an Italian Empire by conferring the rights of Roman citizenship upon all the Italians,⁷³ thus making the entire population of the peninsula copartners with the Romans in the benefits and responsibilities of power.

The argument in favor of that proposal had become irresistible:

That the world and Italy besides should continue subject to the population of a single city, of its limited Latin environs, and of a handful of townships exceptionally favored, might even then be seen to be plainly impossible. The Italians were Romans in every point, except in the possession of the franchise. They spoke the same language; they were subjects of the same dominion. They

⁶⁹ *Questio de Repetundis, est 149 B.C.* Cf. Plut., *C. Gr.*, 5; Tacitus, *Annals*, xii, 60; Liv., *Epit.*, lx.

⁷⁰ *Pro Domo*, xxxi; *Pro Rab. Perd.*, iv; Plut., *C. Gr.*, iv.

⁷¹ App., *B. C.*, i, 21; Liv., *Epit.*, lx; Festus, 290; Plut., *C. Gr.*, v.

⁷² Plut., *C. Gr.*, 9. Cf. Callegari, *L. S. C.*, 99.

⁷³ App., *B. C.*, i, 23; *Brut.*, xxvi, 19; Velleius, ii, 6; Plut., *C. Gr.*, v.

were as well educated, they were as wealthy, they were as capable as the inhabitants of the dominant state.⁷⁴

But splendid as was that conception of a vigorous and united Italian nation, resting upon the manhood of the entire population of the peninsula and not upon that of a municipal oligarchy, it was not yet to be realized. It was unacceptable for the moment to so many interests as to wreck Caius' popularity to such an extent as to make many assert that he was not actually rechosen at the elections for 121 B.C. In the midst of the bitterness aroused against him by the senatorial party, he summoned a meeting at the close of his second tribunate and attempted to speak. But a conflict between the factions ensued, ending in a riot in which Caius and thousands of his adherents were massacred.⁷⁵

Premature
vision of
an Italian
nation.

Caius' vio-
lent death.

The tragic parts played by the Gracchi so aroused the proletarian spirit of the new Italy as to make a revival of the popular cause under a new leadership inevitable. In the graphic words of Mirabeau: "The mother of the Gracchi cast the dust of her murdered sons into the air, and out of it sprang Caius Marius." Fifty-one years before Cicero saw the light at Arpinum, Marius was born there on the farm of his father, who was either a peasant or an obscure knight.⁷⁶ At an early age he gave up the plough to join the army, and shortly after the murder of Caius Gracchus he was chosen to the tribunate, a position in which he did not hesitate to criticize in his own way both the proletariat and the aristocracy.⁷⁷ "He seemed as if made of a block of hard Roman oak,

Revival of
the popular
cause under
Marius.

Chosen
tribune,
120 B.C.

⁷⁴ Froude, *Caesar*, p. 50.

⁷⁵ "Thus perished one of the four founders of the Roman Empire, and perhaps the most far-seeing statesman Rome ever produced." — Ferrero, vol. i, p. 57.

⁷⁶ Cf. Madvig, *K. P. S.*, p. 525.

⁷⁷ Neumann, *G. R. V.*, p. 261.

gnarled and knotted, but sound in all its fibres.”⁷⁸ His first great success as a general was won in the war with Jugurtha, which he brought to a close in 106 B.C.—a war in which a young nobleman named Sulla fought under him.

Consul in
107 B.C.

Married the
aunt of
Caesar.

Marius
remodeled
the army.

Drew profes-
sional sol-
diers from
the poor.

The passions which had been smoldering for a generation among the middle classes, the proletariat, and the capitalists now broke into flame against the aristocracy, lifting Marius in triumph to the consulship for the first time in the election campaign of 107 B.C. Just before that event he had become a person of social consideration through a marriage into a noble but not particularly illustrious family,⁷⁹ that of Caius Julius Caesar, who had married Marcia, the mother of Caius Julius, Sextus Julius, and a daughter named Julia, who became the wife of Marius. Caius Julius, the father of the great Caesar, had married Aurelia, a member perhaps of the consular family of the Cottas.

Before leaving for Africa to take away the command of the Numidian war from Metellus, Marius undertook to remodel the army by extending the levy to poor men not inscribed in any of the five classes of landowners, and who therefore had no right to bear arms under the ancient constitution.⁸⁰ Instead of attempting as the Gracchi did to revive the strength of the old yeoman class, the original source of the legions, heretofore no more than citizens temporarily in arms, he provided professional soldiers by raising his levies from among the poor in town and country—an innovation that resulted in momentous changes in political and military organization.⁸¹

⁷⁸ Froude, *Caesar*, p. 38.

⁷⁹ Pauly, *R. E.*, vol. iv, p. 1557.

⁸⁰ Sall., *B. J.*, 86; Aul. Gell., xvi, 10, 14.

⁸¹ Cf. E. Baroni, *I grandi capitani sino alla Rivoluzione Francese*, Turin, 1898; “Annibale,” 32ff.; Ferrero, vol. i, p. 66.

Out of materials thus gathered by such methods such an army was formed as no other Roman general had ever commanded; and the change came just in time to enable Marius, now the hero of the *populares*, to turn back the tide of invasion headed by the Teutons and Cimbri, two mighty nations of "horrible barbarians," who came as the vanguard of that great German folk-wandering destined to change the face and the history of Europe. In the decisive victory won at Vercellae, 101 B.C., Marius settled the fact that Gaul was to be a province of Rome and not the prey of the Germans. Italy was saved by legionaries who, while still citizens, were also professional soldiers, armed with the double power of the hustings and the sword. The change did not however disturb the old law prohibiting standing armies in Italy; victorious generals returning from abroad were still required to disband their legions before entering on her sacred soil.

Made Gaul
a Roman
province.

The menace of the Germanic invasion was scarcely over before Rome was torn from within by what is known as the Social or Italian war, arising out of the demand for enfranchisement upon the part of the Latins and Italians whose just cause had been so earnestly espoused by Caius Gracchus. Now when the old political organization of the separate districts had lost all real meaning, now when the intellectual and economic unification of Italy was gradually breaking down all distinctions between Romans, Latins, and allies, the jealous and exclusive oligarchy at Rome was startled by a movement that had spread far and wide through the peninsula. When Livius Drusus,⁸² an ambitious and popular young aristo-

Social or
Italian war.

Drusus
elected tribune,
91 B.C.

⁸² Cicero claimed him as a member of that party to which he himself belonged. — *De Orat.*, i, 25, and *Pro Domo*, 16. See also Appian, *B. C.*, i, 35; Diod. Sic., xxxvii, 10.

crat, elected tribune of the people in the year 91 B.C., attempted to isolate the moneyed interests by an alliance between the aristocracy and the popular party, he brought forward a number of laws designed to please the *populares*, and among them a law depriving the knights of their powers in the law courts, and another making the long-delayed concession of the franchise to the Italians.⁸³ The first proposal excited the equestrian order and their friends in the Senate to fury; the second was represented as evidence of complicity with a widespread conspiracy against the very life of the city-state.

His
proposals.

His assassi-
nation pre-
cipitated the
conflict.

At such a moment the flame of civil war was lighted when Drusus was struck down by an unknown assassin. At that signal men rushed to arms in the cause of united Italy; throughout the highlands of the central and southern districts the Italian people rose as one man.⁸⁴ After a bitter struggle the Italians triumphed through a compromise by which practically all the freemen south of the Po were made equal in civil and political rights.⁸⁵ By that great stroke of policy the number of the Roman burgesses was more than doubled through the wholesale enfranchisement of Latin and Italian allies. The census for the year 70 B.C. gives the number of citizens as 900,000, as against 394,336 about a generation before the war.⁸⁶

Number of
burgesses
more than
doubled.

⁸³ For the provisions of the *leges Liviae*, see App., *B. C.*, i, 35; Liv., *Epit.*, lxxi; Pliny, *N. H.*, xxxiii, 3. Cf. also Lange, *R. A.*, vol. iii, p. 83; Neumann, *G. R. V.*, pp. 450ff.

⁸⁴ As to the Social War, see Kiene, *D. Römische Bundesgenossenkrieg*, Leipzig, 1845.

⁸⁵ In 89 B.C. two tribunes proposed the *lex Plautia Papiria*, under which any citizen of an allied town domiciled in Italy could obtain the rights of Roman citizenship on making a declaration within sixty days to the praetor at Rome.

⁸⁶ See the interesting table showing the number of Roman citizens at different periods of the Republic and the Empire, in Meyers, *Ancient History*, p. 492.

During the seven years that intervened between the end of the Social War (89 B.C.) and the beginning of the dictatorship of Sulla (82 B.C.) occurred the death grapple between the popular party, headed by Marius, the self-made man of the people, and the senatorial party, headed by the patrician Sulla, resulting in the complete triumph of the latter. The harrowing military details are not important to the constitutional historian who sees, in the midst of the strife that spread from the Forum to Italy and from Italy to the provinces, the integrity of the Empire threatened for the first time by rival governors, and all regular government, whether by Senate or Assembly, suspended while the rival factions fought out their quarrels under generals willing to lead their legions not only against their fellow-citizens but against the established authorities of the state itself. When in 87 B.C. Marius, aided by Cinna, cut off Rome's food supply and starved her into submission, he marked his triumph by a massacre of the aristocrats, including their representative, the consul Cnaeus Octavius, whose head, the head of a consul, was exposed to public gaze in front of the Rostra. Before the younger Marius took the field in the spring of 82 B.C., he committed to the praetor Damasippus the bloody task of executing a number of the aristocracy,⁸⁷ including the eminent jurist, Q. Mucius Scaevola, pontifex maximus, who seems to have been cut down before the very image of Vesta, into whose sanctuary he had fled from his official residence, the Regia, nearby.⁸⁸ Under such conditions it was that Sulla, at the end of the Mithridatic war, wrote to the Senate that he would soon arrive at Rome to take vengeance on the Marian party, his enemies and those of the Republic.

Death grapple between Marius and Sulla.

All regular government suspended.

Head of a consul exposed on the Rostra.

Execution of the pontifex maximus.

⁸⁷ Lange, vol. iii, p. 145.

⁸⁸ Cicero, *De Natura Deorum*, iii, 32.

Sulla leader
of reaction-
aries, 82 B.C.

Pompey the
Great.

Crassus.
Catiline.

Returning from the East laden with the gold of Mithridates, the spoils of Greek temples, and the books of Aristotle, seized in the library of Apellicon at Athens, Sulla, whose career had been rather military than political, was suddenly called to the leadership of the conservative reactionaries. Among those who came to him were Pompey, destined to be known as Pompey the Great, who having been born in the same year with Cicero was now twenty-three, and Lucius Sergius Catiline, a ruined spendthrift, stained with every crime, but of ancient and aristocratic lineage. To his list of parasites, composed of a crowd of adventurers as shameless and unscrupulous as himself, must be added the aristocratic financier, Lucius Crassus, the representative of a class that piled up enormous riches by buying up cheap the goods of the proscribed.

Sulla
appointed
dictator.

Despite the fact that no dictator had been appointed since the war with Hannibal, such power never having been previously conferred for more than six months, Sulla demanded of the Senate the office of dictator⁸⁹ during his own good pleasure, which carried with it not only the power of life and death over every citizen, but plenary power for the reform of the constitution. Thus armed he outlawed every magistrate and every public servant who had held any kind of an office under Cinna, ordering at the same time the proscription of all persons of wealth and consequence everywhere in Italy who had belonged to the liberal party. According to one account the number of proscribed actually put to death numbered nearly 5,000. Among those thus put in jeopardy was the young son of that Caius Julius Caesar, whose sister

His
proscription.

Young
Caius Julius
in danger.

⁸⁹ The *lex Valeria* granting him the office was passed without opposition. Cf. App., i, 98; Plut., *Sulla*, xxxiii; Cic., *Ad Att.*, ix, 15; *De Leg.*, i, 15.

Marius had married, now in double peril because, apart from being a nephew of Marius, he had married Cornelia, the daughter of Cinna.

When the dictator commanded him to divorce her, Caesar refused to obey, preferring to sacrifice his own and his wife's patrimony, and to leave the city at the imminent risk of proscription. Sulla was induced, however, shortly afterward, through the intervention of relatives, to give him a free pardon.⁹⁰ That act of grace and favor, grudgingly extended to Caius Julius then only eighteen, was attended by another of even wider significance. Sulla reassured the Italians by declaring that he would not attack the great measure of Italian emancipation—that he accepted it as an accomplished fact.⁹¹ Thus in the midst of the gravest political confusion a great historic process was quietly completed.

Italian
emancipation
accepted by
Sulla.

The old Italy, the Italy of Oscans, Sabellians, Umbrians, Latins, Etruscans, Greeks, and Gauls had disappeared into the past. In place of a number of small federal republics, there was now a single Italian nation, with an agriculture, a commerce, an army, a civilization, and culture of its own, welded together into a solid and compact middle class out of a medley of human units from all parts of the peninsula who had been thrown together, in close and intimate relations, by the tie of a common ambition, by fellowship in study, in commerce, or in arms.⁹²

Such were the circumstances under which Sulla undertook to restore order and to rebuild the machinery of civil government, so modified as to meet altered conditions, in a state torn by class hatreds and distracted by the passions of civil war. It has been said

Sulla's
constitution.

⁹⁰ Suetonius, *Caesar*, i; Plut., *Caes.*, i.

⁹¹ The threat to deprive of the franchise several communities which had joined Cinna was not carried out. — *Pro Domo*, 30; *Pro Caecina*, 33, 35.

⁹² Ferrero, vol. i, pp. 104, 105.

that his task involved not so much the remaking of a constitution as the organization of a gigantic system of police, necessary at that moment for the preservation of the Empire and the whole of ancient civilization from the destruction threatened by the desperate revolt of the oppressed thousands of Italy and Asia.

Increased
powers of
Senate re-
duced those
of tribunate.

In the presence of such an opportunity Sulla, instead of aiming at the regeneration of the state as a whole, viewed his success simply as a party triumph which he attempted to secure by restoring and increasing the powers of the Senate, reduced to almost a nullity by recent revolutions, and at the same time by diminishing the powers of the tribunate,⁹³ whose steady encroachments through centuries had made it the most important of all magistracies. In the execution of that plan he nearly doubled, out of the patrician order, the number of the senators. From that time onward the Senate appears to have embraced between five and six hundred members, vacancies being supplied as before from the retiring consuls, praetors, aediles, and quaestors.⁹⁴ Therefore, in order to guard against popular favorites finding in that way too easy a road to the Senate through elections, it was provided that no one who had been a tribune of the people could thereafter be elected to any other office.⁹⁵ The dignity and safety of the peers for life thus arranged in a single chamber he protected by a guard provided by the enfranchisement of ten thousand slaves who had been owned by the families of the proscribed.⁹⁶

Tribune
ineligible to
reelection.

Senatorial
guard
provided.

⁹³ *De Leg.*, iii, 22: "Injuriae faciendae potestatem ademit, auxilii ferendi reliquit." See also Cicero, *In Verrem*, i, 60.

⁹⁴ Cf. Greenidge, p. 266.

⁹⁵ *Pro Cornel.*, fr. 78; *Ascon.*, *In Corn.*, 78; *App.*, i, 100.

⁹⁶ Lange, *R. A.*, vol. iii, pp. 144ff.; Cantalupi, *M. S.*, pp. 110ff.

But more important still was the provision designed to withdraw from the popular assembly the ancient and sovereign right to initiate and control legislation. So long as the citizens at the invitation of consul or tribune could exercise such a power, any changes the Dictator might make could be instantly set aside. It was therefore ordained that no measure was to be presented to any assembly of the people by a tribune without the approval of the Senate given beforehand, the power of the college of tribunes being still further diminished by the imposition of a heavy fine for the abuse by a tribune of the right of intercession. While the tribunes still retained their right of veto, a penalty was attached to the abuse of it, the Senate having even the right to depose a tribune.⁹⁷

No measure to be presented by a tribune without senatorial assent.

In order to prevent the people from installing in office a second Marius, seven times consul, it was decreed that no one should hold the consulship for two successive years,⁹⁸ and further that no one should have the right to stand for the consulship who had not previously held the offices of quaestor and praetor.⁹⁹ A quaestor must be thirty, a praetor forty, and a consul forty-three years of age. And in order to render the magistrates still more dependent on the Senate by enlarging their number and dividing their authority, the number of praetors was increased from six to eight,¹⁰⁰ and of quaestors to twenty.¹⁰¹ The pontifical and augural colleges were also placed in the hands of the senatorial aristocracy through

No consul to succeed himself.

Praetors increased to eight, quaestors to twenty.

⁹⁷ As to Sulla's treatment of the tribunes, see Sunden, *De tribunicia potestate a L. Sulla imminuta quaestiones*, Upsala, 1897.

⁹⁸ App., *B. C.*, i, 100.

⁹⁹ He thus legalized a custom. Cf. Liv., xxxii, 7; App., i, 100.

¹⁰⁰ Pompon., *De Orig. Juris* (*Dig.*, i, 2, 2); Velleius, ii, 89.

¹⁰¹ Tac., *Ann.*, xi, 22; Madvig, *Verfassung und Verwaltung des röm. Staates*, vol. ii, p. 441.

a provision requiring vacancies in their ranks to be filled by cooptation as before the *lex Domitia*.¹⁰²

Control of
criminal jus-
tice restored
to Senate.

But last, and perhaps most important of all, the control of the administration of criminal justice (*quaestiones perpetuae*) was taken away from the equestrian order and restored to the Senate. So corrupt had the senators become in the discharge of their judicial functions that Caius Gracchus had disqualified them from sitting in the law courts by a provision requiring the judges to be chosen thereafter from the *equites*, who had been so exceptionally pure that on the trial of Verres Cicero challenged his opponents to point out a single instance in which an equestrian court had given a corrupt judgment during the forty years in which they had possessed the privilege.¹⁰³

Cicero's
tribute to
the *equites*.

Sulla, who never courted popular favor, abolished the public distribution of corn whereby the city had been filled with idle vagabonds. By breaking down the influence of the two new powers in the state, the middle class and the equestrian order, the Dictator hoped to reestablish, with slight modifications, the old aristocratic constitution, existing at the time of the first Punic War, when Italian society was distinctively aristocratic, agricultural, and military. His reorganization of the state proceeded on the lines foreshadowed by Rutilius Rufus and his aristocratic followers, whose program, with a few exceptions, was put into execution. Thus the popular party was crushed; and its scheme of reform, as embodied in the proposals of the Gracchi, annihilated. The assembly of the people, shorn of its ancient legislative power, had no excuse for meeting save on

Assembly
shorn of
legislative
power.

¹⁰² Dion. Cass., xxxvii, 37; Liv., *Epit.*, lxxxix.

¹⁰³ On the other hand, Appian says (*De Bello Civili*, i, 22) that the courts of the *equites* had been more corrupt than the senatorial courts.

special occasions, and then only at the Senate's invitation.

Who can tell why it was the proud, masterful, cynical aristocrat, with an inordinate love of sensual pleasure, brutal and yet without any great depth of passion—styled in Mommsen's happy phrase, the "Don Juan of politics"—should have abdicated his supreme office in 79 B.C. at a moment when he seemed to have nothing to fear? Certain it is that his death, which occurred at the beginning of the next year, was followed by the rapid disintegration of the fabric he had so carefully constructed. Before the end of ten years his so-called constitution had broken down utterly in almost every part. All that Sulla left behind him was "the type of the military chief at the head of a devoted army which he controls by his money and his sword." That "type of the military chief" broods like an evil spirit over the thirty-four years that intervene between Sulla's death and the Ides of March—

Abdication
of Sulla,
79 B.C.

All he left
behind him
was a new
type of mili-
tary despot.

. . . . critical years in which Roman imperialism definitely asserted its sway over the civilized world; when, by the conversion of the Mediterranean into an Italian lake, Italy entered upon her historic task as intermediary between the Hellenised East and barbarous Europe.¹⁰⁴

Of the Roman constitution at this critical stage of its development, a consummate critic has said:

The Roman constitution has lost none of its complexity by growth. The accretions of age had changed a curious but comparatively simple type of polity into a jumble of constitutional law and custom, through which even the keen eye of the Roman jurist could not pierce, and which even his capacity for fictitious interpretation and invention of compromises could not reduce to

Greenidge's
summary.

¹⁰⁴ Ferrero, vol. i, pp. 105, v.

a system. The lack of logic, which is the usual accompaniment of a conservatism not thoroughgoing enough to be consistent, produced a machine the results of which appeared for a time to be eminently satisfactory. It conquered the world, and succeeded for a time in governing it with some show of decency and a fair measure of success. Had the equilibrium been maintained in practice as in theory, mixed constitutions would have had the most assured claim to the respect and acceptance of the world. But as the knots which the jurist could not untie were cut by the sword, and the constitution reverted to a type far simpler even than that of its origin, we must assume a weakness in the mixed system which might not have rendered it inadequate as the government of a city-state or even of Italy, but certainly rendered it incapable of imperial rule.¹⁰⁵

And yet no matter what its faults may have been, of the unwritten and slowly developed constitution of the Roman Republic we may say not only that the people have made it, but that the people have lived it, for it is little more than their life and history epitomized.

¹⁰⁵ Greenidge, p. 146.

CHAPTER VI

CICERO AS LEADER OF THE ROMAN BAR

WITH the foregoing sketch of the Roman political and judicial systems clearly in view it will be easier to follow the career of the well-trained young advocate who, in his twenty-sixth year,¹ undertook his first recorded case, the defense of Publius Quinctius in a civil proceeding before a *judex* or referee, C. Aquilius, appointed by the *praetor urbanus* according to the course of Roman law.²

Defense of
Publius
Quinctius,
Cicero's first
recorded
case.

In order to facilitate an understanding of Roman legal procedure it may not be amiss to say that when a civil suit was commenced, the litigants appeared before the praetor who made a preliminary examination in order to ascertain the precise points in controversy. After hearing the statements and counterstatements of plaintiff and defendant, he constructed a brief technical outline of the disputed issues, called a *formula*. That formula was then put into the hands of a *judex* (more like a referee or a jury of one than a modern presiding judge), who, after hearing the evidence of the witnesses and the arguments of the advocates, returned his decisive judgment to the praetor who appointed him.

Formula
and *judex*.

The entire proceeding thus carried on by the praetor, *judex*,³ and advocates was under the intellectual guidance of the jurisconsults, the makers of the scientific law literature of Rome, who were regarded as law experts,

Jurisconsults
as intellec-
tual guides.

¹ Gell., xv, 28.

² F. L. Keller, *Semestria*, i, I.

³ As to the "Theory of Civil Procedure at Rome; the Magistrate and the *Judex*," see Greenidge, *The Legal Procedure of Cicero's Time*, pp. 15-47.

*Responsa
prudentium.*

Induced to
appear by the
actor Roscius.

and respected and resorted to as such by all concerned in the administration of justice. Primarily, the praetor was a great statesman or politician whose final function was to enforce the law; the *judex*, or as we should now call him, the referee, might have no technical knowledge of law whatever.⁴ Under such conditions the unlearned judicial magistrates naturally looked for light and leading to the jurisconsults who instructed them through their *responsa prudentium*, the technical name given to their opinions as experts, which were promptly recorded on tablets by their students or disciples. We know enough of the part played by Cicero in the proceeding before the *judex*, or referee, in the case in question, to say that he was induced to appear in it by no less a person than the advocate's instructor in elocution, the famous actor Roscius, the brother-in-law of the defendant Publius Quinctius, who was the heir of his brother Caius Quinctius. Caius had died in the Roman province in southern France, with debts remaining of obligations payable to one Naevius, with whom he was jointly possessed of certain lands in the province mentioned. Naevius had promptly secured in the time of Cinna a judgment from the praetor Burrienus giving him the estate of the absent Quinctius. In the preliminary case in question (*causa praejudicialis*) the main point in controversy (τὸ κρινόμενον) was whether Quinctius must give security guaranteeing the payment of the judgment in the main case in the event he should be the loser.

Hortensius.

Cicero, who had as an antagonist the great advocate Hortensius, complained that although he was for the defendant he was forced to plead first. In ridiculing certain statements made by the other side as to the swift-

⁴ Cf. the author's *Science of Jurisprudence*, pp. 89 sq.

ness with which the praetor's decree had been carried from Rome to southern France, Cicero said:

What an incredible thing! What inconsiderate greed! What a winged messenger! The aids and satellites leave Rome, cross the Alps, and arrive in this country of the Segusiavi in two days. What a fortunate man is he who has such fleet messengers or rather Pegasuses!

Extracts
from Cicero's
speech.

It was in this speech that he said:

If fortune or another's crime has deprived us of our wealth, yet so long as our reputation is untarnished, our character will console us for our poverty. . . . No honest man desires to cause the death of a fellow-man, even by lawful means; he prefers always to remember that, when he could have destroyed, he spared, rather than that when he could have spared, he destroyed.

In his twenty-seventh year, about the age at which Demosthenes made his beginning as a public prosecutor, Cicero appeared in the Forum for the first time in a public or state trial for life and death under the criminal law, before a tribunal whose procedure was utterly unlike that of the *praetor urbanus* in the civil proceeding against Quinctius. In the sketch heretofore drawn of the Roman constitution an attempt was made to indicate the nature of the criminal courts constituted by the king, such as the *duumviri perduellionis* and the *quaestores parricidii*, composed of delegates or commissioners (*quaestores*) appointed at first for particular cases, and afterward for particular classes of cases. The king—

Roman criminal courts.

*Duumviri
perduelli-
onis and
quaestores
parricidii.*

. . . . specified the crime under which the accused was to be tried, and the penalty to be inflicted, but left the finding of the facts to his delegates. Two such classes of delegates are attributed to the regal period, the *duumvirii perduellionis* and the *quaestores parricidii*.⁵

⁵ Greenidge, *Roman Public Life*, p. 63, citing "Liv., i, 26; Zonaras, vii, 13 . . . Mommsen (*Staatsr.*, vol. ii, pp. 523 sq.) thinks the financial

*Quaestiones
perpetuae.*

Foundations
of Roman
criminal
law laid in
149 B.C.

Personnel
of the
permanent
commissions.

There was a great lack of criminal courts at Rome before the institution of the *quaestiones perpetuae*.⁶ The series of statutes by which they were instituted for the trial of particular classes of crimes wherever committed, beginning with the *lex Calpurnia de Repetundis*, 149 B.C., continued until a number of courses of conduct had been from time to time branded as criminal.⁷ Each standing commission was established by a special law,⁸ and consisted of a praetor chosen annually, assisted at times by as many as 100 *judices*, who were summoned for each particular case. The foundations of Roman criminal law were really laid when the judicial procedure, first established in 149 B.C. for the trial of cases of magisterial extortion in the provinces, and applied between 149 B.C. and 81 B.C. to cases of treason and bribery, was so extended by Sulla as to bring under it the chief criminal offenses.⁹ Reference has been made already to the move of Caius Gracchus to take out of the hands of the Senate the control of the freshly established court for the trial of cases of magisterial misgovernment in the provinces.¹⁰ These permanent commissions (*quaestiones perpetuae*), with jurisdiction over crimes of a political nature, were in future to be composed of knights instead of senators. After that great power of control of the criminal courts

quaestors as standing officials originated with the Republic; but he believes (p. 539) that they had their origin in the criminal *quaestores* (a word which bears the same relation to *quaesitores* as *sartor* to *sarcitor* or *quaero* to *quaesivi*, p. 537). Cf. Tac., *Ann.*, xi, 22 (p. 81); Ulpian in *Dig.*, i, 13."

⁶ See above, p. 94.

⁷ Cf. Maine, ch. v.

⁸ Greenidge, *The Legal Procedure of Cicero's Time*, p. 417.

⁹ Cf. Mommsen, vol. ii, p. 359; Rein, *Criminal-Recht*; Zumpt, *Criminal-Prozess d. Römer*.

¹⁰ The creation of the standing criminal courts (*quaestiones perpetuae*), with their presidents and juries, was the reaction of the provinces on Rome. — Greenidge, p. 183.

had remained in the equestrian order for more than forty years, it was taken away by Sulla and restored to the Senate.¹¹ It is a false and misleading analogy to speak of the *judices*, the judges, who composed these selected popular assemblies, whether consisting of senators or *equites*, and numbering at times 100, as jurors. It is far more accurate to say that such a court was like that of the lord high steward when he had the right to constitute his court for the trial of a peer by summoning only such members of the peerage as he might see fit to select.

Such was the nature of the criminal court composed of *judices* taken from the senatorial aristocracy before which Cicero appeared in the year 80 B.C., when he undertook to defend Sextus Roscius of Ameria, who was accused of murdering his father, a man of considerable wealth, struck down at night near the Palatine baths during a short stay at Rome. The son was at home, fifty-six miles away, at the time, and there was not a particle of proof that he had ever seen or communicated with the assassins who were really unknown. There was nothing but suspicion, such as it was, that rested upon the suggestion that the father disliked the son, and that he had once threatened to disinherit him. The probabilities all pointed to hostile relatives living at Ameria, to one of whom, Titus Roscius Capito, news of the tragedy was brought by one of his freedmen at daylight the next morning.

Cicero's
defense of
Roscius
of Ameria.

It seems to be clear that the assassination was planned and executed by those kinsmen under some pact with Chrysogonus, the favorite freedman of Sulla, under

Chrysogonus, favorite
freedman
of Sulla.

¹¹ On *repetundarum* (trials and statutes), see Mommsen, *Strafrecht*, pp. 707 sq.

which he was to share with them in the estate of the murdered man. A necessary part of the plot was to remove the heir by charging him with parricide. The danger lay, not in the nature of the flimsy accusation, but in the character of the prosecutor and of the tribunal, dominated as it was by Sulla's partisans and friends.

Under such circumstances, when a severe sentence might add to the prestige of the freshly organized courts, Cicero deemed it incumbent upon him to do his utmost to establish the innocence of his client and to expose Chrysogonus without attaching blame to Sulla in any way. In separating the hireling from the master he said:

Hireling separated from the master.

All these things, O judges, I surely know are done without the knowledge of L. Sulla, and no wonder, since he at the same time both remedies what has gone by, and organizes those things which seem to be on the threshold of the future, when he alone has the power of settling the system of peace and of waging wars; when everyone looks to him only, when he alone directs everything. When he is distracted with so many and so great affairs that he cannot breathe freely, (it is no wonder then) if there be something which escapes his attention, particularly when so many men watch his engagements and seize the opportunity like bird-catchers, so that the moment he has looked away, they plot something of this kind.

In this speech he said:

Solon, when asked why he had not appointed any penalty for parricide, replied that he had not thought any man capable of the crime.

Awoke and found himself famous.

The court was not convinced that there had been any exception to that rule in this case. The rising young advocate, by winning a victory that reminds us of Erskine's triumph in Hatfield's case, cleared the reputa-

tion of his injured client, and recovered his property for him. He awoke and found himself famous! As he tells us himself in his later years,

My defense of Sextus Roscius, which was the first cause I pleaded, met with such a favourable reception that, from that moment, I was looked upon as an advocate of the first class, and equal to the greatest and most important causes; and after this I pleaded many others, which I pre-composed with all the care and accuracy of which I was master.¹²

The two cases in which Cicero began his career as a member of the Roman bar have been thus emphasized, not so much on account of their intrinsic importance as by reason of the line they draw between the constitutions of the civil and criminal tribunals, the scenes of all his earlier triumphs. His extant orations were addressed either to the courts, consisting of one or more members intrusted with the administration of the laws; to the Senate; or to the whole body of the people convoked in their public assemblies. It will therefore be convenient to catalogue all (except fragments) that belong to the first class, because they alone are relevant to this branch of the subject.

First two cases important because they illustrate both civil and criminal procedure.

Catalogue of speeches before the courts.

B.C. 81. *Pro P. Quinctio*: Defense of Quinctius before a *judex* in a suit by Sex. Naevius to recover the profits of a partnership in certain lands in Gaul, inherited from his brother C. Quinctius.^{12a}

Pro P. Quinctio.
81 B.C.

B.C. 80. *Pro Sex. Roscio Amerino*: Defense of Roscius on a charge of parricide presented by Erucius as professional prosecutor, at the instigation of Chryso-
gonus.

Pro Roscio Amerino,
80 B.C.

¹² *Brut.*, xc.

^{12a} For elaborate examinations of Cicero's speeches for Quinctius, Roscius the actor, Tullius, and Caecina, see Greenidge, *The Legal Procedure of Cicero's Time*, Appendix ii, pp. 531-68.

*Pro Roscio
Comoedo,*
76 (?) B.C.

B.C. 76 (?). *Pro Q. Roscio Comoedo*: Defense of Roscius the actor against the claim of C. Fannius Chaerea to half the profits of certain lands taken as the value of a slave owned in partnership, and killed by C. Flavius.

*Pro
M. Tullio,*
72 (or 71) B.C.

B.C. 72 (or 71). *Pro M. Tullio*: Suit for damages for an assault made by a rival claimant on the estate of Tullius.

*In Cae-
cilium,* 70 B.C.

B.C. 70. *In Caecilium* ("Divinatio"): Preliminary argument on the technical right of Cicero to conduct the prosecution against Verres.

In C. Verrem,
six orations,
70 B.C.

B.C. 70. *In C. Verrem*: Prosecuted for oppression and plunder in Sicily. Six orations. (1) The general charge ("*Actio Prima*"); (2) *De Praetura Urbana*; earlier political crimes of Verres; (3) *De Jurisdictione Siciliana*: his Sicilian administration; (4) *De Frumento*: fraud and peculation as to supplies of grain; (5) *De Signis*: the taking of works of art; (6) *De Suppliciis*: cruelties of his government.

*Pro
M. Fonteio,*
69 B.C.

B.C. 69. *Pro M. Fonteio*: Defense of Fonteius, accused of extortion and corruption in Gaul during Pompey's campaign against Sertorius, about B.C. 75.

*Pro
A. Caecina,*
69 B.C.

B.C. 69. *Pro A. Caecina*: Defense against Aebutius of the right of Caecina to an estate inherited from his wife Caesennia, widow of M. Fulcinus, a rich money lender.

*Pro
A. Cluentio
Habito*
66 B.C.

B.C. 66. *Pro A. Cluentio Habito*: Defense of Cluentius, charged with the murder by poisoning of his stepfather Oppianicus, brought by the younger Oppianicus, instigated by Sassia, the mother of Cluentius.

*Pro
C. Rabirio,*
63 B.C.

B.C. 63. *Pro C. Rabirio*: Defense of Rabirius, charged with treason (*perduellio*), the act having been committed thirty-seven years before.

B.C. 63. *Pro L. Murena*: Defense of Murena, charged by the defeated candidate, Sulpicius, with bribery and corruption in obtaining the consular office. *Pro L. Murena*, 63 B.C.

B.C. 62. *Pro P. Cornelio Sulla*: Defense of Sulla, charged with sharing in Catiline's conspiracy. *Pro P. Cornelio Sulla*, 62 B.C.

B.C. 62. *Pro A. Licinio Archia*: Defense of the poet's claim to citizenship acquired under the regulations exacted in consequence of the Italian war. *Pro Archia*, 62 B.C.

B.C. 59. *Pro L. Valerio Flacco*: Defense of Flaccus against a charge of misgovernment as propractor of Asia. *Pro Flacco*, 59 B.C.

B.C. 57. *Pro Domo Sua*: While this was simply an appeal to the pontifices for a restoration of that part of his estate alienated by Clodius, it may fairly be classed among his forensic efforts, although he was his own client. *Pro Domo Sua*, 57 B.C.

B.C. 56. *Pro Sestio*: Defense of Cicero's partisan, Sestius, charged with assault, the attack having been made on him by the partisans of Clodius. *Pro Sestio*, 56 B.C.

B.C. 56. *In P. Vatinius* ("Interrogatio"): A personal attack on Vatinius, one of the chief witnesses who appeared against Cicero's client Sestius. *In P. Vatinius*, 56 B.C.

B.C. 56. *Pro M. Caelio*: Defense of Caelius, a disolute young member of the higher society of Rome, who was accused by Atratinus with plotting against the life of the lady Clodia and with keeping a sum of gold belonging to her. *Pro M. Caelio*, 56 B.C.

B.C. 56. *Pro Cornelio Balbo*: Defense of Balbus, a native of Spain (Phoenician Gades), charged with the illegal assumption and use of the Roman franchises, derived from a sweeping decree made by Pompey in 72 B.C. *Pro Cornelio Balbo*, 56 B.C.

B.C. 54. *Pro Cn. Plancio*: Defense of Plancius (who, when quaestor of Macedon, 58 B.C., had befriended Cicero), charged by M. Junius Laterensis, the *Pro Plancio*, 54 B.C.

defeated candidate for aedile, with corrupt political bargaining.

Pro C. Rabirio Postumo,
54 B.C.

B.C. 54. *Pro C. Rabirio Postumo*: Defense of Rabirius, an equestrian speculator and promoter, in a proceeding to recover money said to have been received from Ptolemy Aulates, king of Egypt, in corrupt partnership with Gabinius.

Pro Milone,
52 B.C.

B.C. 52. *Pro T. Annio Milone*: Defense of Milo, charged with the murder of Clodius. The indictment was for three distinct offenses: *de vi*, *de sodaliciis*, and *de ambitu*.

Pro Ligario,
46 B.C.

B.C. 46. *Pro Q. Ligario*: An appeal to Caesar to pardon Q. Ligarius, made in Caesar's official residence, the Regia, on the Forum. The charge was that Ligarius had conducted the war in Africa against Caesar. Plutarch tells us that when "the orator touched upon the battle of Pharsalia, he (Caesar) was so affected that his body trembled, and some of the papers he held dropped from his hands, and thus he was overpowered, and acquitted Ligarius."¹³

Pro Rege Deiotaro,
45 B.C.

B.C. 45. *Pro Rege Deiotaro*: Defense of Deiotarus, king of Galatia, accused of an attempt to murder Caesar, when he was his guest during his stay in Armenia. This, the last case Cicero ever pleaded, was also heard before Caesar himself in the Pontifical Palace at Rome. Before Caesar concluded the inquiry the daggers of his enemies struck him down.¹⁴

Basis of Cicero's fame as an advocate.

Upon his speeches in the foregoing cases, which survive in a more or less perfect form, Cicero's fame as an advocate really depends. Just after his defense of Roscius of Ameria, having matched his forensic powers with

¹³ In the preparation of this list I have been assisted by the helpful little book of Allen and Greenough, entitled *Six Orations of Cicero*.

¹⁴ O. E. Schmidt, p. 362.

some of the foremost advocates of the time, he made his tour abroad for the restoration of his health and for the widening of his culture, of which mention has been made already.¹⁵ After his return with health reëstablished, he reappeared in the courts in defense of the actor Roscius—whose case probably occurred about the year 76 B.C.¹⁶—a civil suit arising out of a demand of Fannius that the praetor should order that the accounts between him and Roscius, as to the profits of certain land taken as the value of a slave held by them in partnership, and killed by Flavius, be submitted to arbitration.

Defense of
the actor
Roscius.

The exordium and conclusion of this speech on the law of partnership (*Societas*) are lost. Cicero ingeniously contended that Roscius had long before settled for himself alone with the slayer of the actor's slave, and was not therefore legally liable to share his indemnity with the original owner of the slave, "a delicate point of law and equity." In ridiculing the appearance of Fannius he said:

Do not the very pate and eyebrows closely shaven seem to be redolent of meanness and proclaim his cunning? Does he not from the very nails of his toes to the crown of his head, if the speechless physical person affords any inference to men, seem to consist wholly of cheating, of tricks, of lies, who has his head and eyebrows always shaven for this reason, that he might not be said to own as much as a hair of a good man.¹⁷

A bit of
ridicule.

He then drew a picture of his own client, saying:

Has Roscius defrauded his partner? Can such an imputation rest upon one who has in him—I can say it boldly—more honesty than he has art; more truth than accomplishments; whom the Roman people consider to be a better man than he is actor;

Word picture
of Roscius.

¹⁵ See above, p. 65.

¹⁶ Cf. Drumann, vol. v, pp. 346 *sq.*, who assigns an earlier date.

¹⁷ Cicero, *Pro Roscio Comoedo*, 7.

who, though admirably fitted to the stage on account of his skill in his profession, yet is most worthy of being a senator on account of his modesty and decorum?¹⁸

After that double appeal to the irrelevant it was very proper for Cicero to say that "the masses are so constituted that they measure but few things by the standard of fact, most by the standard of conjecture."

Prosecution
of Verres.

Sicily a treasure
house of
gold and art.

Let us now turn from the case of Roscius, notable only for its bitter gibes and quibbling technicalities, to a real *cause célèbre* that fixed the forensic fame of Cicero forever. Caius Verres, ex-governor of Sicily, had for three years, 73-71 B.C., plundered and enslaved Rome's oldest province through a series of illegalities and barbarities that had put to the blush even her province-robbing oligarchy. A nature keenly avaricious, not only for gold but for works of art, was over-tempted by the wealth of a land which was not only the granary of Rome but a treasure house to which had been transferred from the mother-country the most exquisite specimens of Greek art—bronzes bearing the name of Corinth, an Eros of Praxiteles, a Hercules by Myron, an original work of Boethos,¹⁹ reliefs of embossed silver, cameos, and intaglios, plastic works in bronze, marble, or ivory, paintings, and textile delineations, comparable even to the arras of later times.

With an itching palm for gold and with an obsession for works of art that amounted to a disease, Verres, armed with almost irresistible power over the lives and fortunes of the provincials, indulged for three years in a bacchanalian revel of plunder, punctuated by a bru-

¹⁸ *Pro Roscio Com.*, 6.

¹⁹ Overbeck, *Gesch. d. Griech. Plastik*, vol. ii, 2d ed., pp. 126-29; Sihler, pp. 79-83.

talities that shrank from no crime, and by a lust that continually insulted the honor of the proudest of the Sicilian families. One engine of his tyranny was a dark and dreadful dungeon at Syracuse into which he cast even Roman citizens who were held there in chains until strangled by his orders. When one of these victims named Gavius, who escaped and fled to Syracuse, threatened to go to Rome in order to impeach Verres, the tyrant ordered the magistrates first to flog and then to crucify him. When during the first ordeal he uttered the cry, *Civis Romanus sum*, in the hope that those magic words would save him, Verres ordered that he should be crucified on a headland so that he who called himself a Roman citizen might die while looking toward his native land.

Dungeon at
Syracuse.

Crucifixion
of Gavius.

Infuriated by such oppressions, the plundered communities of Sicily, the moment the intimidation of his official tyranny was removed, rose as one man and demanded, early in the year 70 B.C., that Verres should be brought to justice through an impeachment at Rome, and tried by his peers. In spite of his efforts for delay, supported by powerful friends, the proceeding moved swiftly. The *praetor urbanus*, who subsequently presided at the trial, promptly drew by lot a special and stated court (*questio perpetua*), composed entirely of senators, many of whom were members of the oldest of the Roman families. When on August 5, with the capital still full of citizens from a distance who had attended the elections, the court met in the Temple of Castor, under the presidency of the *praetor urbanus*, M. Acilius Glabrio, Rome was the scene of such a state trial as the ancient world had never witnessed before.

Verres im-
peached at
Rome, 70 B.C.

Court com-
posed entire-
ly of senators.

From the foot of Mount Taurus, from the shores of the Black Sea, from many cities of the Grecian mainland, from many

A pen-
picture of
the trial
of Verres.

islands of the Aegean, from every city or market town of Sicily, deputations thronged Rome. In the porticos and on the steps of the temple, in the area of the Forum, in the colonnades that surrounded it, on the housetops and on the overlooking declivities, were stationed dense and eager crowds of impoverished heirs and their guardians, bankrupt publicans and corn merchants, fathers bewailing their children carried off to the praetor's harem, children mourning for their parents dead in the praetor's dungeons, a multitude swelled by thousands of spectators from Italy, partly attracted by the approaching games, and partly by curiosity to behold a criminal who had scourged and crucified Roman citizens, who had respected neither local nor national shrines, and who boasted that wealth would yet rescue the murderer, the violator, and the temple-robber from the hand of man and from the Nemesis of the Gods.²⁰

A companion
picture, trial
of Hastings,
the English
Verres.

After the curtain fell upon that memorable scene it was never lifted upon its real counterpart until after the lapse of eighteen centuries when the patrician senators of another expanding empire met at Westminster in the ancient hall of William Rufus to sit in judgment upon an ex-governor of the province of India, accused of the grossest tyrannies and robberies committed while ruling a helpless Oriental people with more than regal power. The place in which that court sat was worthy of such a trial—

. . . . the hall which had resounded with acclamations at the inauguration of thirty kings, the hall which had witnessed the just sentence of Bacon and the just absolution of Somers, the hall where the eloquence of Strafford had for a moment awed and melted a victorious party inflamed with just resentment, the hall where Charles had confronted the High Court of Justice with the placid courage which has half redeemed his fame. . . . The judges in their vestments of state attended to give advice on points of law. Near a hundred and seventy lords, three-fourths of the Upper House, as the Upper House then was, walked in

²⁰ Art. "Verres" in Smith's *Greek and Roman Biography*.

solemn order from their usual place of assembling to the tribunal. . . . The gray old walls were hung in scarlet. The long galleries were crowded by an audience such as has rarely excited the fears or the emulations of an orator.

There were gathered together, from all parts of a great, free, enlightened, and prosperous empire, grace and female loveliness, wit and learning, the representatives of every science and of every art. There were seated round the Queen the fair-haired young daughters of the House of Brunswick. There the Ambassadors of great Kings and Commonwealths gazed with admiration on a spectacle which no other country in the world could present. There Siddons, in the prime of her majestic beauty, looked with emotion on a scene surpassing all the imitations of the stage.

There the historian of the Roman Empire thought of the days when Cicero pleaded the cause of Sicily against Verres, and when, before a senate which still retained some show of freedom, Tacitus thundered against the oppressor of Africa.²¹

To such a court, sitting in such a place, and surrounded by such an audience, the people of the British Empire, speaking in their corporate person through their ancient popular assembly, the House of Commons, acting as a grand jury of the whole realm, presented articles of impeachment against the English Verres, Warren Hastings. After the charges had been read the spokesman of the commons, raising his voice until the old arches of Irish oak trembled, said:

Commons
a grand
jury of the
whole realm.

Therefore hath it with all confidence been ordained, by the commons of Great Britain, that I impeach Warren Hastings of high crimes and misdemeanors. I impeach him in the name of the Commons' House of Parliament, whose trust he has betrayed. I impeach him in the name of the English nation, whose ancient honor he has sullied. I impeach him in the name of the people of India, whose rights he has trodden under foot, and whose country he has turned into a desert. Lastly, in the name of human nature

Burke's
burning
denunciation.

²¹ Macaulay's *Essays*, vol. ii, pp. 641-45, "Warren Hastings."

itself, in the name of both sexes, in the name of every age, in the name of every rank, I impeach the common enemy and oppressor of all!

Impeachment
managers.

Burke,
Fox, and
Sheridan.

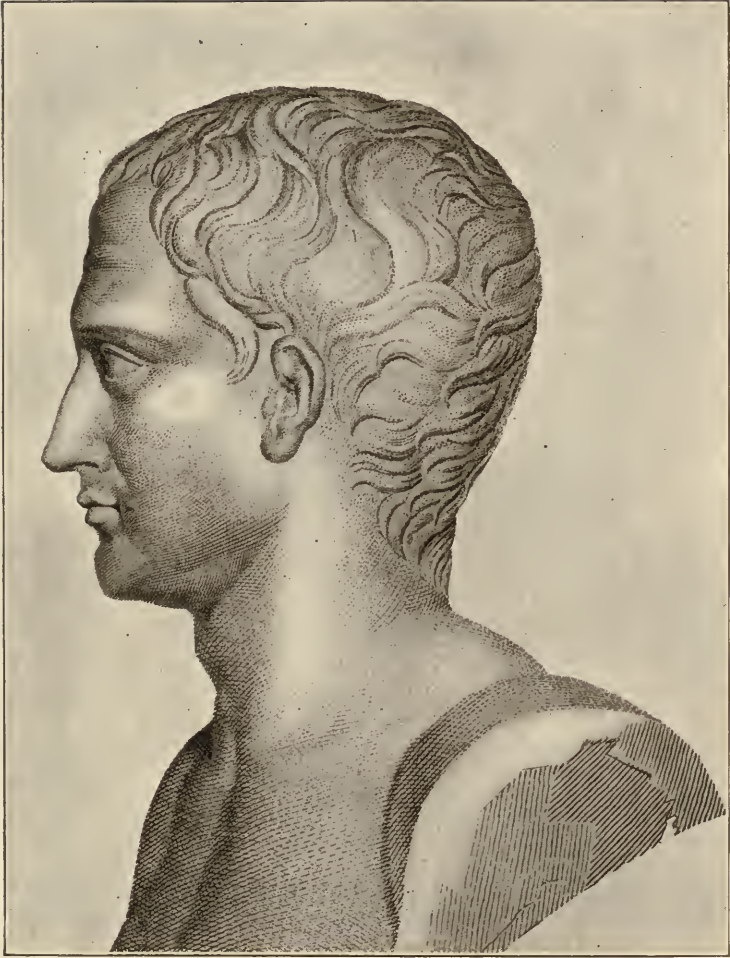
For the trial of such charges the English constitution provided not only a special and stated senatorial tribunal (*quaestio perpetua*) composed of the peers convened as a court of impeachment, but it also provided for an official body of prosecutors, the managers of the impeachment appointed by the House of Commons. At the head of that body there stood such a triumvirate of orators as the world had never heard before at the same moment, in ancient or modern times. The first to speak was the British Cicero, Edmund Burke, at whose side stood "Fox and Sheridan, the English Demosthenes and the English Hyperides," whose brilliant and burning denunciations will live for all time.

Acquittal
of Hastings.

And yet this majestic array, this matchless display of modern eloquence all ended in nothing. After the trial had lasted for nearly eight years, after sixty of the nobles who had walked in the procession at the beginning of the trial had been borne to their ancestral tombs, after the friendship of the brilliant triumvirate of prosecutors had been violently and publicly dissolved, Hastings was acquitted by a vote unanimously in his favor on some charges and nearly so on others. After being thus solemnly absolved by the lords he retired to his ancestral home at Daylesford where, at an extreme old age, he died peacefully in his bed at last.

Roman law
provided
no official
prosecutor.

When we return to the senatorial court convened by the praetor for the trial of Verres, we look in vain for official managers of the impeachment against him. Under the law of Rome anyone could offer to conduct such a prosecution, subject to the right of the court to accept



QUINTUS HORTENSIVS.

or reject him.²² Because that preliminary question was settled by argument alone, without evidence, it was called *divinatio*, the judges being compelled to guess or divine their way; and when an attempt was made, as in this case, to make the prosecution a farce by employing a friend of the accused to conduct it, such a trick was called *praevaricatio*.

Verres, backed by the Scipios and Metelli, and advised by the great advocate Hortensius, was ready with Caecilius, a former quaestor and partner in his frauds and oppressions, when the praetor, early in the year 70 B.C., convened the court to settle the preliminary question as to a prosecutor. In anticipation of such a move the Sicilians had turned to one to whom they were drawn by the double inducements of fame and friendship. In the year 76 B.C. Cicero had been elected to the quaestorship, the western diocese of Sicily governed from Lilybaeum being assigned to him — an office he administered so ably and honestly as to win not only the approval but the affection of the provincials. It is not therefore strange that a grateful people should have appealed to the rising advocate, now curulian aedile elect,²³ to represent them as prosecutor in the pending impeachment.

Verres defended by Hortensius.

Cicero employed by Sicilians as prosecutor.

Accepting the trust with all the zeal that could be inspired by a great opportunity, apart from his professional rivalry with Hortensius, Cicero offered himself as prosecutor against Caecilius who, for the moment, pre-

His attack on Caecilius.

²² As to the right to prosecute, see Greenidge, *The Legal Procedure of Cicero's Time*, pp. 11, 459.

²³ Suringar, p. 80. v. *Aedilis* in Latin Thesaurus. *In Verr.* 5, 36. "Now I am aedile elect, I consider what it is that I have received from the Roman people; I consider that I am bound to celebrate holy games with the most solemn ceremonies to Ceres, to Bacchus, and Libera; but I am bound to render Flora propitious to the Roman nation and people by the splendor of her games." — *In Verr.*, v. 14.

tended to be the enemy of Verres.²⁴ In his opening speech made on the preliminary hearing Cicero contended, with all the withering force of invective, first, that the pretended enmity of Caecilius was a sham; second, that he was notoriously incompetent to conduct such a prosecution. After emphasizing the first objection, and defining what the qualifications of a prosecutor should be, turning to Caecilius he said:

His generous tribute to himself.

Are you then endowed with all these qualifications? . . . for if you are able today to answer me these things which I am saying; if you even depart one word from that book which some elocution master or other has given you, made up of other men's speeches, I shall think that you are able to speak, and that you are not unequal to that trial also, and that you will be able to do justice to the cause and to the duty you undertake. But if in this preliminary skirmish with me you turn out nothing, what can we suppose you will be in the contest itself against a most active adversary?²⁵

Then in a lofty tone of self-adulation, which became habitual, Cicero in speaking of himself said:

I, who as all men know, am so much concerned in the Forum and the courts of justice, that there is no one of the same age [he was then thirty-six], or very few, who have defended more causes, and who spend all my time which can be spared from the business of my friends in these studies and labors, in order that I may be more prepared for forensic practice, more ready at it, yet, (may the gods be favorable to me as I am saying what is true!) whenever the thought occurs to me of the day when, the defendant having been summoned, I have to speak, I am not only agitated in my mind, but a shudder runs over my whole body.²⁶

²⁴ It was to the interest of the state to avoid both weakness and collusion. The prosecutor should be one "quem minime velit is, qui eas injurias fecisse arguator." — Cicero in *Caecilium*, 3, 10.

²⁵ In *Caecil.*, 16.

²⁶ Ibid., 13.

A moment before he had paid even a higher tribute to himself, when he said tauntingly to Caecilius:

Even if you had learned Greek literature at Athens, not at Lilybaeum, and Latin literature at Rome and not in Sicily, still it would be a great undertaking to approach so important a cause, and one about which there is such great expectation.²⁷

Cicero's plan was effective; the court appointed him prosecutor, giving him time, one hundred and ten days, in which to gather evidence and prepare his arguments for the trial on the merits. Then followed what lawyers call a race of diligence, the defendant, who had failed, by the lavish use of money, to organize the court in his own interest, desiring a postponement until the next year when his powerful friend Metellus (to whom the lot for 69 B.C. had assigned this very court) would begin his praetorship. By almost superhuman efforts Cicero, assisted by his cousin Lucius, visited all the complaining communities in Sicily and completed the gathering of his evidence in fifty days. Only at Messina and Syracuse did he meet with any difficulty in procuring evidence. While the former, instigated by the new praetor Metellus, the friend and successor of Verres, held out against him, he so won over the Syracusans, after an address delivered in Greek before the Senate in the town hall, that they erased from the city records a complimentary decree Verres had extorted through their fears.

Thus armed, the tireless prosecutor, who paid all his own expenses, was able to brush aside all expedients for delay, and to force the trial, which began on August 5 before a court composed of course entirely of senators who sat under the presidency of the *praetor urbanus*, M. Acilius Glabrio. In all such trials the *judices* were

Cicero
appointed
prosecutor.

Gathered
evidence in
fifty days.

Trial began
August 5.

²⁷ In *Caecil*, 12.

provided with three *tabellae*, one of which was marked with A, i. e., *absolvo*, I acquit; the second with C, i. e., *condemno*, I condemn; and the third with N. L., i. e., *non liquet*. And it would seem that in some trials the *tabellae* were marked with the letters L, *libro*, and D, *damno*, respectively.

Proofs for
prosecution
concluded
in nine days.

Verres
slipped away
into exile.

Prosecutor
delivered but
one speech.

Fearing that his well-laid plans for a speedy trial might be upset, Cicero entirely disconcerted Hortensius by dispensing with the long and formal oration usual on such occasions. After a short introduction known as *Interrogatio Testium*, so called because a brief outline of the evidence upon which the prosecution proposed to rely, he proceeded at once to present his affidavits and examine his witnesses, all of which was concluded in nine days. But before that point was reached Verres had disappeared.²⁸ So overwhelmed was he by the proofs offered against him that, after the third day of the trial, he slipped away from Rome into exile,²⁹ before the sentence, banishment and a heavy fine, could be imposed upon him.

The only oration actually delivered by Cicero in this case was the brief introduction preceding the presentation of the witnesses, in which he boldly declared that he was driven to such an unusual proceeding by the intrigues of his opponents. He began by warning the senators that upon the result of this trial would depend their power to retain the criminal jurisdiction so long vested in the equestrian order.

For an opinion has now been established pernicious to us, and pernicious to the Republic, which has been the common talk of everyone, not only at Rome, but among foreign nations also—that in the courts of law as they exist at present, no wealthy man,

²⁸ *Pseudo-Asconius*, p. 126.

²⁹ *Ibid.*, p. 126.

however guilty he may be, can possibly be convicted. Now at this time of peril to your order and to your tribunals, when men are ready to attempt by harangues, and by the proposal of new laws, to increase the existing unpopularity of the Senate, Caius Verres is brought to trial as a criminal, a man condemned in the opinion of everyone by his life and actions, but acquitted, by the enormity of his wealth, according to his own hope and boast.³⁰

His warning to the tribunal.

At that moment an agitation was in progress for such a reformation of the senatorial courts as would compel the *praetor urbanus* to constitute them of *judices* drawn equally from the Senate, the equestrian order, and from the *tribuni aerarii*, the highest social strata of the plebeians—a reform ultimately embodied in the *lex Aurelia iudiciaria*.³¹ Passing then to the main issue he said:

Reform of senatorial courts.

While this man was praetor the Sicilians enjoyed neither their own laws, nor the decrees of the Senate, nor the common rights of every nation. . . . Roman citizens were tortured and put to death like slaves; the greatest criminals were acquitted in the courts of justice through bribery; the most upright and honorable men, being prosecuted while absent, were condemned and banished without being heard in their own defense. . . . The Roman people will understand that with an upright and honorable praetor, and a carefully selected bench of judges, abundance of wealth has more influence in bringing a criminal into suspicion than in contributing to his safety. . . . We say that Caius Verres has not only done many licentious acts, many cruel ones toward Roman citizens, and toward some of the allies, many wicked acts against both gods and men; but especially that he has taken away from Sicily forty millions of sesterces contrary to law.³²

The main issue.

Cicero could not permit the flight of Verres to deprive him of a precious opportunity to give to the world the

Unspoken speeches published in five books.

³⁰ *In Verr.*, i, 1.

³¹ Cf. Lange, vol. iii, p. 197; Vell., ii, 32; Madvig, f. 1, 182 sq.; Sihler, pp. 74, 90.

³² *In Verr.*, i, 4, 5, 17, 18.

great and formal orations he had hoped to deliver orally. He therefore published them afterward, as he had intended to deliver them, in five books entitled as follows:

First book.—Of the second pleading against Verres—respecting his conduct in the city praetorship. Second book.—Of the second pleading against Verres—concerning his manner of deciding causes as judge while in Sicily. Third book.—Of the second pleading in the accusation against Verres—on the count relating to corn. Fourth book.—Of the second pleading in the prosecution of Verres—respecting the statutes. Fifth book.—Of the second pleading in the prosecution of Verres—speech on the punishments.

Fiction of
a "second
pleading."

Thus by employing the fiction of a "second pleading" or trial, like the second defense of Milo, Cicero was able to put forth a brilliant publication deliberately prepared, containing a wealth of priceless information.

The five books, one and all, are permeated by a spirit of triumph. The aim of Cicero in the composition and publication was indeed personal and professional, both of these; but for us and the enduring concerns of history, he did vastly more. He accumulated a great mass of incontrovertible data which show why the Republic was doomed, at least why the exploitation of the Mediterranean world by the Roman oligarchy could not go on forever; further, how that correlative at home, the purchase and sale of the electorate, in spite of the ever new laws *de ambitu*, was the other running ulcer of the body politic which was ruining the state and which ultimately delivered it to a military monarchy.³³

Cicero leader
of Roman bar
at thirty-six.

By his oral and written efforts embodied in the brilliant and vigorous Verrines, coupled with the almost super-normal energy and courage by which he had forced a conviction of Verres under the most difficult circumstances, Cicero, at thirty-six, reached the lonely eminence

³³ Sihler, pp. 75-76.

of leader of the Roman bar, with his most famous forensic rival, Hortensius, humbled in the dust. He had now reached a turning-point in his career. As in our own public life, success at the bar opened the way to political offices and political honors. He who had been *quaestor* and *aedile* had the praetorship and consulship before him. Everything must now be sacrificed to popularity. The ambitious advocate therefore announced that he would no longer appear as a prosecutor. At the conclusion of the last published speech in the case of Verres, he expresses the hope—

Will not appear again as a prosecutor.

. . . that the Republic, and my own duty to it, may be content with my undertaking this one prosecution, and that I may be allowed for the future to defend the good instead of being compelled to prosecute the infamous.³⁴

Eight years after the conviction of Verres, Cicero undertook the defense of his old Greek teacher, the poet Archias, who had come to Rome nearly forty years before in the train of Lucullus when Cicero was a child. As a means no doubt of assailing the Luculli, an attack was made by Grattius on their protégé, Archias, who was accused as a false pretender to the rights of Roman citizenship, involving probably an application of the *lex Papiria*, which provided that those who were on the register of any confederate city as its citizens were to be exempt from its operation, provided they were residing in Italy at the time the law was passed, and had made a return of themselves to the praetor, within sixty days.³⁵

Defense of the poet Archias.

Application of *lex Papiria*.

The name of Archias, who had acquired citizenship

³⁴ *In Verr.*, v, 72.

³⁵ So said Cicero, *Pro Arch.*, 4. Only one clause of this law is known, that by which the *civitas* was granted to *incolae* enrolled on the registers of federate communities.—Greenidge, *Roman Public Life*, p. 311, note 5. This author remarks that "It is difficult to believe that this cumbrous rule applied to the citizens of the towns."

under the regulations enacted at the close of the Social War, did not appear on the census lists, as he was abroad with L. Lucullus. That difficulty Cicero contended had been removed by the enrolment of Archias before his return to Rome, during his stay at the confederate city of Heraclea. The oration is occupied however not so much with legal arguments as with a panegyric on Archias, who is supposed to have died soon afterward, and with those touching tributes Cicero never failed to pay to himself. In the year of the trial, 62 B.C., Caesar was a praetor as was also Cicero's brother Quintus, who seems to have presided at the trial of Archias. After thanking the poet for the training he had given to his mind and to his tongue, Cicero said:

Tributes to
Archias.

I entreat you in this cause to grant me this indulgence, suitable to this defendant, and I trust not disagreeable to you — the indulgence of allowing me, when speaking in defense of a most sublime poet and most learned man, before this concourse of highly educated citizens, before this most polite and accomplished assembly and before such a praetor as him who is presiding at this trial, to enlarge with a little more freedom than usual on the study of polite literature and refined arts.³⁶

When Archias arrived at Rome, "Italy was at that time full of Greek science and of Greek systems, and these studies were at that time cultivated in Latium with greater zeal than they now are in the same towns." After stating the precise question of law at issue, he said:

Precise ques-
tion at issue.

As he had now a residence at Rome for many years, he returned himself as a citizen to the praetor, Quintus Metellus, his most intimate friend. If we have nothing else to speak about except the rights of citizenship and the law, I need say no more. The cause is over. For which of all these statements, Grattius, can be invalidated? Will you deny that he was enrolled, at the time

³⁶ *Pro Arch.*, 2.

I speak of, as a citizen of Heraclea? You ask us, O Gratus, why we are so exceedingly fond of this man. Because he supplies us with food whereby our mind is refreshed after this noise in the Forum, and with rest for our ears after they have been wearied with bad language.³⁷

As the Catiline matter was still fresh in the minds of his audience Cicero said:

Reference
to Catiline
matter.

I will now reveal my own feelings to you, O judges, and I will make a confession to you of my own love of glory—too eager perhaps, but still honorable. For this man has in his verses touched upon and begun the celebration of the deeds which we in our consulship did in union with you for the safety of this city and empire, and in defense of the life of the citizens and of the whole Republic. And when I had heard his commencement, because it appeared to me to be a great subject and at the same time an agreeable one, I encouraged him to complete his work. For virtue seeks no other reward for its labors and its dangers beyond that of praise and renown; and if that be denied to it, what reason is there, O judges, why in so small and brief a course of life as is allotted to us, we should impose such labors on ourselves.³⁸

Ten fateful years then passed by before the time came for Cicero to appear as the defender of Milo. The capital of the Roman world, which now belonged to Caesar and Pompey, was fast drifting toward anarchy. The civil year, 53 B.C., had ended without any consular election; the three candidates in the field were Plautius Hypsaëus, supported by Pompey; Quintus Metellus Scipio; and Annius Milo, supported by Cicero.³⁹ The bitter enemy of Milo, Clodius, a young libertine, with whom

Defense
of Milo.

³⁷ *Pro. Arch.*, 5, 6.

³⁸ *Ibid.*, 11.

³⁹ In a letter written to Curio on that subject Cicero says: "Did I not know that you must be fully aware, while writing this letter to you, under what a weight of obligation I am laboring, how strongly I am bound to work in this election for Milo, not only with every kind of exertion, but even with downright fighting, I should have written at greater length."—*Ad Fam.*, ii, 6.

Clodius
killed,
January 18,
52 B.C.

Cicero had had a quarrel some nine years before in connection with the Bona Dea scandal, was a candidate for the praetorship which would have signified but little to him with Milo as consul. On January 18, 52 B.C., when Rome was really without a government by reason of the veto of a tribune forbidding the declaration of an interregnum, Milo, traveling along the Appian Way in a carriage with his wife Fausta (daughter of Sulla) and his friend Fusius, attended by a body of slaves and two well-known gladiators, near Bovillae, close to a chapel of the Bona Dea, met Clodius on horseback, accompanied by three friends and about thirty armed slaves. It seems that Cicero had told Atticus four years before that Milo had declared that he would kill Clodius if he ever met him. At last they met, and the fight began after the cavalcades had almost passed each other, when Milo's two gladiators provoked a quarrel with the hindmost of Clodius' slaves. When Clodius demanded in a threatening tone to know the cause of the difficulty one of the gladiators pierced his shoulder with a javelin; and after he had been taken into a wine shop near by, he was dragged out in the midst of a general fight and murdered by Milo's orders.

Pompey made
sole consul.

The Senate was now thoroughly alarmed; Lepidus was appointed *interrex*, and to him, with the tribunes and Pompey, the care of the public order was committed. While men were talking of Caesar as dictator, the Senate averted that move by giving the reins of power to Pompey, not as dictator, an unpopular term, but as sole consul, without submitting the question to the people.⁴⁰

⁴⁰ Dio, 40, 50; Plut., *Cat. Min.*, 47. As there were no consuls, the Senate's proclamation of martial law declared "that the *interrex* and the tribunes of the *plebs* and the proconsul Cnaeus Pompeius should see to it that the Republic suffered no harm."

At that juncture three of the tribunes, Plancus, Sallust, and Pompeius, by violent harrangues, did all in their power to inflame the public mind against Milo, attacking at the same time his defender, Cicero, who thus became almost as unpopular as his client.

Milo was certainly in great danger, charged as he was with three distinct offenses—murder and illegal violence (*de vi*); corrupt practices at elections (*ambitus*); organizing and belonging to unlawful clubs (*de sodaliciis*)—each calling for a separate arraignment. On April 8, just a hundred days after the happening of the tragedy in the Appian Way, a political trial was to begin in the midst of the hot passions of factions. Under a new statute enacted through the influence of Pompey a court was assembled not under the *praetor urbanus*, but under a special commissioner, Domitius Ahenobarbus, probably elected by the people at Pompey's suggestion,⁴¹ consisting of 81 *judices* chosen by lot out of a larger selected body numbering 300. It was provided that after the 81 had heard the speeches on both sides, not to occupy collectively more than five hours, the prosecution and defense were each to challenge 15 (5 of each class), leaving thus 51 to render judgment, divided no doubt into 18 senators, 17 knights, and 16 *tribuni aerarii*.

Milo tried
amid pas-
sions of
factions.

Court organ-
ized under a
new statute.

The drawing of the *judices* began at dawn, and before eight the prosecutors, Appius Claudius, Marc Antony (now for the first time in Cicero's path), and Valerius Nepos had begun their speeches. After they had consumed the two hours given them by the new law, Cicero, unassisted, rose to speak in defense of Milo. It was

⁴¹ Asconius calls Domitius "Quaesitor suffragio populi"; and Cicero (*Pro T. Annio Milone*, 8), speaking of Pompey, says, "Quod vero te L. Domitii huic questione praeesse voluit . . . ex consularibus te creavit potissimum."—Forsyth, vol. ii, p. 20, n. I.

certainly a critical moment, calculated to unnerve the boldest advocate—with all the shops in the city closed, with Pompey near at hand⁴² with a select guard, with the court itself surrounded with glittering spears of the soldiers there to preserve order, and the mob of Claudian sympathizers hooting in defiance of all authority.

Cicero
intimidated.

It is certain that the unusual spectacle so disquieted Cicero, always tremulous as he tells us on the eve of such a contest, that he lost his self-possession. His speech was undoubtedly far below his standard—ineffective and imperfect in its delivery. Milo was convicted and banished by a vote of thirty-eight for condemnation against thirteen for acquittal, Cato voting openly with the minority. That part of the failure was final; not so with the oration. In order to wipe out the memory of his discomfiture Cicero, not long after the trial was over, wrote, as in the case of Verres, one of the finest forensic orations even constructed, specially rich in rhetorical craft.⁴³

His speech
rewritten.
Plea of
self-defense.

The orator's plea was self-defense. He contended that Clodius had declared in public speeches that Milo must be killed; that he could be deprived of life, but not of the consulship if he lived; that Clodius was the aggressor; that there was no premeditation on Milo's part; that his slaves had killed Clodius without his knowledge or consent to avenge the supposed death of their master. In stating the law of self-defense he said:

⁴² The tribunal was before the Temple of Castor, Pompey being seated at some distance, near the Temple of Saturn, at the upper end of the Forum. Cicero, addressing Pompey, exclaimed: "I appeal to you, and I raise my voice that you may hear me", "Te enim jam appello, et ea voce ut me exaudire possis." — *Pro Milo.*, 25.

⁴³ When Milo, in exile, read this speech, he is reported to have said: "It is just as well that Cicero did not succeed in delivering this speech, or I should not have known the taste of these excellent mullets of Massilia." — Dio, xI, 54.

The law very wisely, and in a manner silently, gives a man a right to defend himself, does not merely forbid a man to be slain, but forbids anyone to have a weapon about him with the object of slaying a man; so that, as the object, and not the weapon itself, is made the subject of the inquiry the man who had used a weapon with the object of defending himself would be decided not to have had his weapon about him with the object of killing a man. Let, then, this principle be remembered by you in this trial, O judges; for I do not doubt that I shall make good my defense before you, if you only remember—what you cannot forget—that a plotter against one may be lawfully slain.⁴⁴

Statement
of the law.

Passing then to his version of the facts, colored, of course, to suit his side of the case, he said:

Statement
of the facts.

But Milo, as he had been that day in the Senate till it was dismissed, came home, changed his shoes and his garments, waited a little as men do, while his wife was getting ready, and then started at the time when Clodius might have returned, if, indeed, he had been coming to Rome that day. Clodius meets him unencumbered on horseback, with no carriage, with no baggage, with no Greek companions, as he was used to, without his wife, which was scarcely ever the case; while this plotter who had taken, forsooth, that journey for the express purpose of murder, was driving with his wife in a carriage, in heavy traveling cloak, with abundant baggage, with a delicate company of women, and maid-servants, and boys.⁴⁵

He meets Clodius in front of his farm, about the eleventh hour, or not far from it. Immediately a number of men attack him from the higher ground with missile weapons. The men who are in front kill his driver, and he had jumped down from his chariot and flung aside his cloak, and while he was defending himself with vigorous courage, the men who were with Clodius drew their swords, and some of them ran back toward his chariot in order to attack Milo from behind, and some, because they thought that he was already slain, began to attack his servants who were behind them; and those of the servants who had presence of mind to defend themselves, and were faithful to their

⁴⁴ *Pro Milo.*, 4.

⁴⁵ *Ibid.*, 10.

master, were some of them slain, and the others, when they saw a fierce battle taking place around the chariot, and as they were prevented from getting near their master so as to succour him, when they heard Clodius himself proclaim that Milo was slain, and they thought that it was really true, they, the servants of Milo . . . did, without their master either commanding it, or knowing it, or even being present to see it, what everyone would have wished his servants to do in a similar case.⁴⁶

There is a natural curiosity of course to read what the great master of invective had to say of such a detested and harmful personal enemy as Clodius had been. Passing over the almost unprintable abuse put into the mouth of Milo, it will be sufficient to reproduce a part of what Cicero said on his own account:

Picture of
Clodius.

I swear to you, the fortune of the Roman people appeared to me hard and cruel, while it for so many years beheld and endured that man triumphing over the republic. He had polluted the holiest religious observances with his debauchery; he had broken the most authoritative decrees of the Senate; he had openly bought himself from the judges with money; he had rescinded acts which had been passed for the sake of the safety of the Republic, by the consent of all orders of the State; he had driven me from my country; he had plundered my property; he had burnt my house; he had ill-treated my children and my wife; he had declared a wicked war against Cnaeus Pompeius; he had made slaughter of magistrates and private individuals; he had burnt the house of my brother; he had laid waste Etruria; he had driven numbers of men from their homes and professions.⁴⁷

An observa-
tion on life.

As an observation on life this is, perhaps, the most striking:

See, now, how various and changeable is the course of human life—how fickle and full of revolutions is fortune; what instances of perfidy are seen in friends, how they dissemble and suit their behavior to the occasion; when dangers beset one, how one's nearest connections fly off, and what cowardice they show.⁴⁸

⁴⁶ *Pro Milo.*, 10.

⁴⁷ *Ibid.*, 32.

⁴⁸ *Ibid.*, 26.

CHAPTER VII

CICERO AS A STATESMAN

WITH the announcement made at the close of his great speech in the case of Verres that he would appear no more in the courts as a prosecutor, Cicero's career as a statesman, in the largest sense of that term, really began.

Like his great fellow-townsmen, Marius, he was a self-made man, the joint product of genius and culture, largely Greek culture. Despised by the Roman aristocracy as a *peregrinus*,¹ and unpopular with the Roman populace, he was the trusted leader of the Italian middle class, designated by him as "the true Roman people." Opposed alike to socialistic dreams and to aristocratic exclusiveness, he stood with the people for the ancient simplicity of life as against the splendid luxury of the capital.²

Cicero
the leader
of Italian
middle class.

It was his influence with the middle class that won his elections to the offices of quaestor, aedile, praetor, and consul, at the earliest age at which it was possible to hold them; it was their voice that insisted in 58 B.C. upon his recall from exile;³ it was his power over them that made Caesar eager to win him over in 49 B.C. When at the age of thirty-one he offered himself as a candidate for one of the quaestorships, whose duties were by that time chiefly financial, he was elected "with all the votes."⁴ No one could be chosen praetor until he

His influence
with that
class secured
elections
to office.

¹ *Pro Sulla*, 7; *Sall., Cat.*, xxxi, "inquilinus urbis Romae."

² *Pro P. Quinctio*, 31; *Pro Cluent*, 46.

³ *Pro Domo*, 28; *Pro Cn. Plancio*, 41.

⁴ *Brut.*, 93.

The *cursus
honorum*.

Curule aedile
for 69 B.C.

had been quaestor, or consul until he had been praetor — those three magistracies forming what was called a career of office — *cursus honorum*. The office of curule aedile was often held between the quaestorship and the praetorship, but it was not a necessary grade in the *cursus honorum*. The year 70 B.C. that brought to Cicero the case against Verres, because of his quaestorship in Sicily, also brought to him the office of curule aedile,⁵ whose chief duties involved, with three colleagues, the general superintendence of the city police, the regulation of the games, and the care of the temples and other public buildings. He speaks in his oration against Verres (V) of the duties he is soon to perform as aedile — expensive duties involving public games, the burden of which, Plutarch tells us, his grateful Sicilian clients materially lightened.

Terentia
and her
half-sister
Fabia.

Some years before this time, certainly it would seem after his return from the East in 77 B.C., Cicero had married Terentia, the date of the marriage or even that of the birth of the eldest child being in doubt. Terentia was evidently a lady of good family, possessed of some fortune over which she never surrendered her control. It seems that in the year 73 B.C. her half-sister Fabia, who was a Vestal, was brought to trial, it being alleged that Catiline was her accepted lover.⁶ Plutarch, who puts her dowry at 100,000 drachmas, says Terentia was a woman of violent temper; and Niebuhr makes the equally unsupported statement that —

. . . in his marriage Cicero was not happy. His wife was a domineering and disagreeable woman; and as, owing to his great sensibility, he allowed himself to be very much influenced by those

⁵ Cf. Mommsen (*Staatsr.*, vol. ii, p. 482) as to the conditions of eligibility to the office; *Enc. Brit.* (9th ed.), art. "Rome," pp. 764 sq.

⁶ Ascon. on *In toga cand.*, pp. 92-93 Orelli.

around him, his wife also exercised great power over him, which is the more remarkable because he had no real love for her.⁷

In 68 B.C., the year in which his correspondence with Atticus begins, we hear for the first time of Cicero's villa above Tusculum, a sort of Roman suburb, where leading statesmen like Pompey, Lucullus, Scaurus, Hortensius, and others could combine the society of the town with the charms of the country. After congratulating his friend upon his recent purchase of an estate in Epirus, near Buthrotum, he begs him to get anything suitable for his own Tusculan villa—"in that place alone do I find rest and repose from all my troubles and toil." Then, after a reference to Terentia's rheumatism, the letter closes with her compliments and those of his darling (*deliciae nostrae*) Tulliola to Atticus, his sister, and his mother. The last words are, "Be assured that I love you like a brother."⁸ Not until the year 65 B.C. was Cicero's only son Marcus born, a fact he announces in a letter to Atticus in this cold and laconic way: "Know that in the consulship of Caesar and Figulus I have had an increase to my family by the birth of a son, and Terentia is doing well."⁹

Villa above
Tusculum.

Birth of
Marcus.

From that time onward the only expansion that took place in his family was expressed in the ever-growing number of his residences in town and country. Apart from the cradle spot at Arpinum, which came to him by inheritance, and the recently purchased retreat near Tusculum, the most important of his villas were situated

Increase in
number of
residences.

⁷ *History of Rome*, vol. v, p. 20.

⁸ *Ad Att.*, i, 1. This letter opens the correspondence with Atticus when Cicero was in his thirty-ninth year and in the midst of his official career. He had been already quaestor (75 B.C.) and aedile (69 B.C.), and was looking forward to the praetorship in the next year (67 B.C.).

⁹ "L. Julio Caesare, C. Marcio Figulo consulibus filiolo me auctum scito, salva Terentia."—*Ibid.*, i, 21.

House on
the Palatine.

on the western coast of Italy near the towns of Antium, Astura, Sinuessa, Formiae, Cumae, Puteoli, and Pompeii. Not until 62 B.C., the year after his consulship, did he purchase the Palatine mansion¹⁰ in the Belgravia of Rome from its richest citizen, Crassus, with whom his political relations had been unfriendly.¹¹

Professional
income.

As he boasts that he never received fees for his labors as an advocate, the sources of his wealth involve a perplexing problem. Certainly his services as a lawyer were sought far and wide. He said in one of his letters to Atticus that he was the "leader of the wealthy," and we know that he sometimes numbered in his clientèle foreign kings and commonwealths. The fact is, that by Cicero's time the law forbidding an advocate to receive rewards for his services was practically obsolete. Fees were paid him, but they were called presents.¹² Sometimes such presents came in the form of legacies bequeathed by grateful clients, or by the parents of such clients. In 44 B.C., long after his active career had terminated, Cicero reported a total of bequests amounting to twenty million sesterces, estimated at about £178,000, or \$880,000.¹³

Home life at
Tusculum.

Despite the number of his residences, which necessarily imply a very large income, thoughts of Cicero's domestic life naturally cluster around his villa at Tusculum, modeled in miniature after the Academy at Athens, with its *palaestra*, or exercise ground, its *gymnasium*, and its *xystus* (a corridor with open pillars), where he passed

¹⁰ It seems that at this time he made over the house in the Carinae, which he had inherited from his father, to his brother Quintius. — Plut., *Cic.*, viii.

¹¹ As to the loan of two millior. sesterces from P. Sulla, then under indictment, see Gell., xii, 12, 1.

¹² See below, p. 195.

¹³ Cicero, *Philippicae*, ii, 40: "Ego enim amplius sestertium ducenties acceptum haereditatibus retuli."

so many happy days in sweet and useful mental communion with his other self, Atticus. That friend he was ever urging to send him more books, regardless of expense, for his library, his ruling passion, which he said gave a soul to his house when arranged by his librarian, Tyrannio.¹⁴ That member of his household, a distinguished Greek grammarian, was secured in 56 B.C. as a domestic tutor for his nephew Quintus. And here mention should be made of Cicero's favorite freedman, Tiro, private secretary, stenographer, and general right-hand man, whose speed in taking dictation was remarkable.¹⁵ In one of his letters Cicero says that he can write nothing without him. After his manumission Tiro,¹⁶ according to custom, assumed the name of Marcus Tullius; and, after the death of his benefactor, wrote a life of him, and published his letters and speeches.

Tyrannio.

Tiro, stenographer and right-hand man.

The master of the Tusculan villa, the leader of the Roman bar, who had been both quaestor and curule aedile, must next win the praetorship, in order to qualify himself for the goal of his ambition, the consulship. After Sulla's time there were eight praetors, that number being required for the presidency of the civil and criminal courts at Rome, the special functions of the praetors being always assigned by lot (*sortitio*).¹⁷ Strange as it

The praetorship.

¹⁴ *Ad Att.*, iv, 4, Cicero writes: "You will find that Tyrannio has made a wonderfully good arrangement of my books, the remains of which are better than I had expected. Still, I wish you would send me a couple of your library slaves for Tyrannio to employ as gluers, and in other subordinate work, and tell them to get some fine parchment to make titlepieces, which you Greeks, I think, call *sillybi*."

¹⁵ See above, p. 79.

¹⁶ See the letter of congratulation to Tiro from Cicero's brother Quintus, *Ad Fam.*, xvi, 26.

¹⁷ During the period when some of the praetors governed provinces, a regular *sortitio* took the form of an assignment of the two urban *provinciae* to two, and of the foreign provinces to two and afterward to four members of the college. — Greenidge, *Roman Public Life*, p. 204.

may seem to us, the praetor was primarily a great statesman or politician whose final function it was to enforce the law. He was not necessarily a legal expert, as he looked for light and leading to the jurisconsults, who instructed him upon technical questions through their *responsa prudentium*.¹⁸

Venality in
elections.

It is therefore natural that this great political office had to be sought at the hands of the people assembled in their *comitia*, and we know from a letter from Cicero to Atticus that a canvass for such an office brought the candidate into contact, in his time, with all forms of venality,¹⁹ a condition of things which he says was growing worse with startling rapidity. To remedy such evils the Calpurnian reform bill, brought forward by the tribune Cornelius, was passed, providing that candidates who bribed were to forfeit not only the office gained but their seat in the Senate.²⁰ That measure, coupled with the proposal of Gabinius to invest Pompey with supreme command in the Mediterranean, and another by Otho to assign separate rows of seats in the theatres to the equestrian order, caused such popular tumults during the election held in the year 67 B.C. that the *comitia* for the election of praetors was twice adjourned without a definite result. In the midst of it all "nobody is kept in such perturbation at Rome at the present time as the candidates, by every sort of unreasonable demands." Through it all Cicero, who had seven competitors, stood at the head of the poll, and was thus elected when the third attempt at an election was successful.

¹⁸ See above, p. 69.

¹⁹ *Ad Att.*, i, 11: "Scito nihil tam exercitatum esse nunc Romae quam candidatos omnibus iniquitatibus." The *comitia* was twice postponed this year, evidently after the voting for Cicero had been completed. He was therefore able to say that he was "thrice returned at the head of the poll by a unanimous vote" (*De Imp. Pomp.*, §2).

²⁰ Dio, xxxvi, 38.

When he was inaugurated as praetor, January 1, 66 B.C., he was assigned the court with jurisdiction over extortion in the provinces (*mea de pecuniis repetundis*), and in that way the new judge was called upon to preside at the trial of C. Licinius Macer,²¹ who was charged with oppression and extortion while holding the praetorian government of Asia Minor. Despite his relations with Crassus, who supported him, Macer was convicted; and it is said that he destroyed himself, even before the *judices* could render a formal judgment against him.

Cicero assigned the court for extortion in the provinces.

But Cicero's most notable performance during his praetorian year was his defense of the bill of Manilius to name a successor to Lucullus in the eastern campaign against Mithridates, it being understood of course that Cnaeus Pompey, now at the height of his fame, would be appointed. This was Cicero's first political speech, the first ever addressed to the people directly. He therefore said at the outset:

The Manilian law.

First political speech.

Although, O Romans, your numerous assembly has always seemed to me the most agreeable body that anyone can address, and this place, which is most honorable to plead in, has also seemed always the most distinguished place for delivering an oration, still I have been prevented from trying this road to glory, which has at all times been entirely open to every virtuous man, not indeed by my own will, but by the system of life which I have adopted from my earliest years.²²

As the extraordinary law in question, carrying with it the sea power, was at once repugnant to the republican institutions of Rome and the established authority of the Senate, the aristocracy, the *optimates*, led by Hortensius and Catulus, naturally opposed it. But the public-spirited

Opposed by Hortensius and Catulus.

²¹ Ad Att., i. 4; Plut., ix; Val. Max., ix, 12.

²² Cicero, *Pro Lege Manilia*, i.

lawyer who now entered the arena of imperial politics had not yet announced himself as the champion of the supremacy of the Senate; he was full of political ambition, and eager for the support of those "who held the assemblies." He was born a member of the equestrian class, and the knights, whose business interests in Asia were seriously endangered by the war, were eager for Pompey to take command, so great was their confidence in his ability as a soldier. Cicero therefore moved cautiously amid the difficult problems before him, dealing tactfully with Lucullus, and at the same time paying a noble tribute to Pompey:

Noble tribute
to Pompey.

No feeling of avarice ever turned him aside from his destined course to think of booty; no licentiousness attracted him to pleasure; no delights to self-indulgence; curiosity never tempted him to explore cities, however famous; and in the midst of toil he shunned repose. . . . I am not doing this at the request of anyone, nor because I think to conciliate the favour of Cnaeus Pompeius by taking this side, nor in order, through the greatness of anyone else, to seek for myself protection against dangers, or aids in the acquirement of honors; . . . I assure you that I have undertaken wholly for the sake of the Republic.²³

This first performance took place in a *contio*, a meeting that could be called by any magistrate who had a matter to lay before the people, and was regularly held in the Comitium or the Forum. After a proposition of law (*rogatio*) had been offered, such a meeting was called so that the voters could hear the arguments pro and con, after which, at the same or a subsequent occasion, the *comitia* voted yes or no on the bill at a meeting regularly called for that purpose. Cicero, who, strangely enough, was supported by Caesar, succeeded in his effort to vest

Cicero
succeeded
by the aid
of Caesar.

²³ *Pro Lege Manil.*, xiv, 24.

the supreme command in Pompey, who, after ending the war in the East and organizing the Roman power in that quarter, returned in the year 61 B.C. covered with greater glory than had ever been won by any Roman before him.

Supreme
command
vested in
Pompey.

With the progress of expansion it became the custom to entrust the government of conquered provinces to pro-consuls and propraetors. All provinces were so governed after the time of Sulla, one of his laws providing that consuls and praetors, immediately after the expiration of their term of office in the city, should depart for their provinces. But so set was Cicero's heart on the consulship that he did not avail himself of that right at the end of his praetorship; he deemed it more prudent to remain at home so as to keep himself before the people.

In the year 65 B.C. his memorable canvass for the consulship began, the announcement of his candidacy being made at the *comitia tributa* held for the election of tribunes, on July 17. An electioneering document known as *Epistola de Petitione Consulatus*, addressed to Cicero in the form of a letter or monograph prepared by his brother Quintus, probably with the assistance of Atticus then in Rome, explains in an unusually vivid way electioneering tactics as they were practiced at that time in such contests. The obvious purpose of this appeal was to belittle Cicero's opponents, and at the same time to place him in the most favorable light possible before the electorate. While it admitted that he was a new man, it asserted that he possessed all that could be achieved by reflection, experience, and native endowments. An orator so distinguished as to have ex-consuls for clients certainly should be worthy of consular honors. He was commended for supporting Pompey for command in the East, for undertaking the cause of Manilius, and above all for his splendid defense

Canvass for
the consul-
ship began
in 65 B.C.

*De Petitione
Consulatus.*

The
divisores.

of the ex-tribune Cornelius, who had offended the Senate by proposing a law in the highest degree equitable. The writer concluded with an expression of the hope that agents of electoral bribery (*divisores*) would in this canvass be kept within proper limits, if there was to be any expenditure of money at all.

There was at this time at Rome a grave condition of economic unrest, of social discontent, aggravated by the gross disparity of conditions between the enormously wealthy province-robbing aristocracy and the bankrupt landlords and merchants of Italy, the disappointed and desperate outcasts from all classes of society among whom the popular party was now seeking support. The battle was on between the ins and the outs, between the privileged few and the suffering many.

Seven consular candidates in the field.

Seven candidates for the consulship were in the field: two nobles, Galba and Sacerdos; Conficius and Longinus, who were out of the running; Caius Antonius, who had held a command under Sulla; Catiline and Cicero. If the latter ever intended to join forces with Catiline, Crassus and Caesar were too quick for him; they made terms with Antonius and Catiline and put them forward as candidates of the popular party.²⁴ As such they agreed to unite their forces by making what the Romans called a *coitio*, "a going together." Alarmed by such a combination, the conservatives resolved to unite in support of Cicero who, disgusted with democratic excesses, promptly consented to become their candidate.

Antonius and Catiline backed by Crassus and Caesar.

In the face of the preparations that followed for the purchase by Catiline and Antonius of the consular elec-

²⁴ Catiline, with his unsleeping energy and bitterness against the conservatives, and Antonius, who was too unprincipled and too penurious to reject a golden opportunity, were exactly the instruments they needed. — Ferrero, *Greatness and Decline of Rome*, vol. i, p. 226.

tion through the employment of systematic bribery and corruption of every kind, to be extended, of course, beyond the Roman populace to the new voters from the Italian towns, the Senate adopted a resolution suggesting that a statute against corrupt practices, more stringent than the Calpurnian, should be submitted to the electorate. At the moment when the great council was aroused to anger by the defeat, through a tribune's veto, of that honest effort at reform, Cicero arose, only a few days before the election, and assailed his two principal competitors in a speech known as "the oration in the white robe,"²⁵ because as a candidate he wore, according to custom, a white toga, emblematic no doubt of a pure election.

New statute
against
corrupt
practices.

Speech,
*in toga
candida.*

From the fragments of this speech, preserved by Asconius, it appears "that on the night before, Catiline and Antonius with their agents met at the house of some man of noble birth, one very well known from, and habituated to, gains derived from this sort of liberality" — meaning, no doubt, as Asconius thinks, either the house of Caesar or Crassus, "for they were the most eager adversaries of Cicero, out of jealousy at the influence which he had acquired among the citizens."

It is certainly reasonable to suppose that both were anxious, while Pompey was far away in the East, to strengthen their personal hold upon affairs by placing creatures of their own in the consular offices. After questioning the power of the tribune Orestinus, whom Cicero had defended in a criminal trial, to oppose the veto to the reform bill just mentioned, he poured upon Catiline and Antonius a stream of hot invectives that excited, no doubt, in the former, the bitter hatred which prompted him to make, shortly afterward, an attempt upon the orator's

Bitter at-
tack upon
Catiline and
Antonius.

²⁵ Lange, vol. iii, p. 232.

Revives the
memory of
Fabia.

life. After speaking scornfully of Catiline's acquittal on the charge of extortion in Africa, he revived the memory of the infamous accusation as to the Vestal Fabia, saying:

Have you this dignity which you rely on, and, therefore, despise and scorn me? or that other dignity, which you have acquired by all the rest of your life? when you have lived in such a manner that there was no place so holy, that your presence did not bring suspicion of criminality into it, even when there was no guilt.²⁶

Such was the stormy prelude to the election that occurred in the summer of 64 B.C. when the *comitia centuriata* met in the Campus Martius to determine who were to be the consuls for the succeeding year. After the people had been arranged in their centuries it was determined by lot which century should vote first.

How a con-
sular elec-
tion was
conducted.

Each individual votes in the group to which he belongs, *curia*, *centuria*, or *tribus*, as the case may be; and it is by the majority of curies, centuries, or tribes that the decision of the assembly as a whole is given, the collective voice of each of the groups being reckoned as one vote, and a small group having as much weight as a large one.²⁷

Vote taken
by groups.

In such an assembly at Rome the vote of the entire body was taken by groups, just as in an American convention the vote of the entire body may be taken by delegations. The people were assembled in an enclosure, and — . . . the enclosure was deemed large enough to hold all the privileged citizens, although where such space could be found on the Capitol or in the Forum is one of the mysteries of Roman topography. This enclosure was divided longitudinally into as many compartments (*consaepta*) as there were voting divisions. Each division was connected with the magistrate's tribunal through a gallery (*pons*) running the whole length of the enclosure, this

²⁶ *In Toga Candida, Frag. Ascon.*

²⁷ Bryce, *Studies in Hist. and Jur.*, p. 711.

high gallery being connected with the various voting compartments by separate descending *pontes*. The votes in each compartment were taken singly, and were given at the exits of the various *pontes*. . . . The issue was decided by the vote of the groups.²⁸

Issue decided by the vote of the groups.

When all the members of a century had voted, the tickets were taken out of the urns by scrutineers, the numbers entered on tablets, and the result announced, the majority of the individual votes determining the vote of the century, and a majority of the centuries determining the election. In the *comitia centuriata*, which, because originally a military organization, could only be convened outside of the city in the Campus Martius, the result might be reached before all the centuries were called on to vote, because as each vote was proclaimed immediately after the group had given it, the necessary majority might be obtained before all the groups had voted. So great was Cicero's popularity, that the electors, instead of resorting to the ballot, proclaimed him consul by loud and unanimous shouts—he carried all the thirty-five tribes.

Cicero carried all the thirty-five tribes.

But here the fact should not be forgotten that while the redistribution of the centuries in its final form assumed the existence of thirty-five tribes, there was no tribal vote; the unit of voting was still the century, and it was the number of the centuries that decided the question. Cicero's record was clean, and the great middle class, who were solidly behind him, desired to see one of their own order, a "new man" (*novus homo*), raised to the consulship. During the three preceding generations, the only "new man" who had reached that august station was his fellow-townsmen, Marius, whose habit of being reelected consul became a kind of disease.

A "new man" raised to the consulate.

When Cicero actually reached the lonely eminence to

²⁸ Greenidge, *Roman Public Life*, pp. 258-59.

Assumed
office as con-
sul January 1,
63 B.C.

A radical
lex agraria.

Inaugural
delivered
in Senate.

A bold ap-
peal to the
people.

which he had so long aspired, he solemnly assured a crowded Senate on the very day he assumed office, January 1, 63 B.C., that he would seek "neither a province nor honor nor equipment whatsoever, nor advantage nor anything at all which a tribune of the people could oppose." His further assurance was, "I will, Conscript Fathers, so demean myself in this magistracy as to be able to chastise the tribunes if they are at enmity with the Republic, and despise them if they are at enmity with myself." The grave reason for that prompt announcement is to be found in the fact that during the month of December the tribune Rullus had published a complicated and revolutionary *lex agraria*, the first one of a troublesome kind since the tribunate of Drusus twenty-eight years before, the purpose of which was to appoint ten commissioners with absolute power for five years over all the revenues and forces of the Republic. The *decemviri* were to be authorized to distribute the revenues at pleasure to the citizens; to sell and buy what lands they saw fit; to require an account of all generals abroad, except Pompey, of the spoils taken in their wars;²⁹ and to settle colonies wherever they thought proper, especially at Capua.³⁰

The primary purpose of Cicero's inaugural speech was to assure the Senate that he would oppose such a law and its promoters to the utmost of his power; and a few days later he came into the assembly of the people where he gave to his policy of opposition greater elaboration. The sudden boldness with which he thus appealed directly to the people themselves on this agrarian question was equaled by the consummate art with which he played upon

²⁹ They were even authorized to use the money thus realized from the generals for the purchase of land in Italy to be distributed among the poor. Cf. Drümman, *G. R.*, vol. iii, pp. 148-49.

³⁰ See Plutarch's summary, xii.

their feelings when he told them that Rullus was about to give them ten royal masters armed with the power to enrich themselves without limit out of the public treasury. After saying:

I cannot find fault with the general principle of an agrarian law, for it occurs to my mind that two most illustrious men, two most able men, two men most thoroughly attached to the Roman people, Tiberius and Caius Gracchus, established the people in public domains which had previously been occupied by private individuals, therefore, [he added] I applied myself to the consideration of this law with the hope that I would find it so designed as to promote your interests, and such an one as a consul who was really, not in word only, devoted to the people, might honestly and cheerfully advocate. But from the first clause of the proposed law to the last, O Romans, I find nothing else thought of, nothing else intended, nothing else aimed at, but to appoint ten kings to the treasury of the revenues, of all the provinces, of the whole of the Republic, of the kingdoms allied with us, of the free nations confederated with us—ten lords of the whole world, under the pretense and name of an agrarian law.³¹

Extracts
from second
speech.

After another such speech in answer to calumnies with which the mute tribunes assailed him behind his back, they abandoned the whole matter.³² The new consul had won what Niebuhr calls "one of the most brilliant achievements of eloquence."

Law
abandoned.

Upon the heels of that performance he was called upon to deal with another proposal put forward by a tribune designed to restore full political rights to the children of men proscribed by Sulla,³³ who, in execution of his policy of vengeance, had confiscated their property and decreed that their descendants should be disqualified even from

Defeat of a
law to re-
store political
rights to those
proscribed
by Sulla.

³¹ *De Lege Agr.*, ii, 5, 6.

³² Cicero so enthralled the multitude that "They gave up to him the Agrarian Law, that is to say, their own bread."—Pliny, *Hist. Nat.*, vii, 30, 116.

³³ Dio, xxxvii, 25.

How Cicero
quelled a
riot by his
tact and
eloquence.

Grim and
irresistible
good humor.

becoming candidates for office. As there was danger of internicine strife resulting from such a restoration of civil status, just as it might be, Cicero made so tactful a speech in opposition that the claimants themselves were induced to abandon the agitation. Then, in an equally remarkable manner, he was able to quell a threatened riot which began when Otho, the author of the law providing that certain rows of seats at public games or plays should be reserved for members of the equestrian class, was greeted upon entering the theatre by applause from the knights and by a storm of hisses from the common people. Cicero, entering at that moment, invited the crowd to follow him to the neighboring temple of Bellona from the steps of which he made to them an extempore speech, unfortunately lost, which so completely pacified them that, after their return to the play, all factions joined in applauding the man they were on the point of mobbing. There must have been grim and irresistible good humor in the speech because, from the hint of it we derive from Macrobius, it appears that the orator upbraided them all for making such a noise when Roscius was acting.

Such performances as these forced Pliny³⁴ to exclaim that Cicero was the first to win a civil triumph and the "laurels of the tongue." Surely "Some force of sweet persuasion sat upon his lips."³⁵ Is it fair to say that a statesman who won three such victories in rapid succession, by the direct assertion of almost mesmeric power over the people themselves, was not a man of action? And yet such is the verdict of one of the masters who has drawn a picture of him otherwise faultless, as he appeared at this time:

³⁴ Pliny, *Hist. Nat.*, vii, 30.

³⁵ As Eupolis of Pericles, so of him too one might have used the same commendatory line, *πεῖθ' ὅ τις ἐπεκάθητο τοῖσι χεῖλεσιν*. — Sihler, p. 136.

Cicero was not a man of action. He was untouched by the two great passions, love of money and love of power, which drive men to face the perils of great social conflicts. He was an artist of the first rank, an incomparable writer, a man of delicate sensibility, lively imagination, and strong and subtle intellect, whose supreme ambition was not to amass wealth or to exercise authority over his equals, but to win admiration. Apart from these great intellectual qualities and this characteristic ambition, he reproduced the distinctive traits which centuries of submission had imprinted on the Italian middle class from which he sprang.³⁶

Pen-picture
by Ferrero.

If the swift and indomitable prosecutor of Verres, who drove that case to a successful issue in the shortest time possible, and in the face of obstacles that seemed insurmountable, had not yet earned the right to be called "a man of action," the rarest of all opportunities to win that distinction was now before him. It was no longer a question of simply steering the bark in troubled waters—a storm was about to break that was to threaten the very life of the state itself. The first cloud was the land bills put forward by Rullus, a man of straw propelled by Crassus and Caesar, who tempted the disaffected by proposing to make war upon the rich, to break the bonds binding the debtor to the creditor, in a word, to bring about a general redistribution of public and private property.

Prosecution
of Rabirius.

The next democratic move against the aristocracy was the prosecution of the old senator Rabirius who was accused of having killed with his own hands a tribune of the people thirty-seven years before. The charge was made by Labienus, an agent of Caesar,³⁷ who induced the praetor, also an accomplice, to send the case before two judges (*duumviri*) of whom Caesar himself was one.³⁸

Democratic
move against
the aristocracy.

³⁶ Ferrero, vol. i, p. 230, who quotes Boissier, *Cicero et ses amis*, p. 38.

³⁷ Suet., *Caes.*, xii.

³⁸ As to the political significance of the trial, see Drumann, *G. R.*, vol. iii, p. 162; Mommsen, *R. G.*, vol. iii, p. 169; Ferrero, vol. i, p. 236.

When, after his condemnation to death by crucifixion, Rabirius appealed to the people, nothing helped him so much "as the bitterness of the judge." So stirred were the conservatives by the audacity of Caesar that Cicero came forward as the defender of Rabirius, telling the people, in an impassioned oration, that the real motive of the prosecution was not the head of the accused but the overthrow of established order, and of the state itself.³⁹ And yet, despite that appeal, Rabirius would have been condemned by the people had it not been for the device of a praetor who, in the midst of hostile clamor, dissolved the assembly by hauling down the flag on the Janiculum.⁴⁰

Caesar made
pontifex
maximus.

Caesar, who, from his desperate situation, had been forced to become a demagogue, next made a bold stroke through which the election of *pontifex maximus* was taken away from the college of pontiffs and restored to the people by whose votes he was made the successor of Metellus Pius, despite the fact that he was "a bankrupt atheist, mixed up with all the vulgarest demagogues in Rome."⁴¹ For that very reason it was the more necessary that he should so hedge himself about as the head of the established religion that no consul would dare to make way with him under conditions incident to a state of siege. With Crassus and Caesar thus aiding and abetting the democratic movement, whose avowed purpose was to proscribe the rich and to subvert for the time being all the ordinary guaranties of life and property, the conservatives, the people of wealth, rank, and privilege, with Cicero at their head, were naturally eager to enact such

The menace
of Crassus
and Caesar.

³⁹ *Pro Rab. Perd.*, ii, 4.

⁴⁰ A signal in the early days of an attack of the Etruscans, involving the suspension of all public business.

⁴¹ Ferrero, vol. i, p. 237.

additional laws as would prevent the electoral corruptionists from placing in the consulship for the next year the most dangerous revolutionist in the state.

During the Italian war a brawny young giant, descended from one of the oldest and proudest of the patrician families, had lifted himself to a bad eminence by the commission of atrocities that excited horror even in such times. Lucius Sergius Catiline had brought himself into notice by killing his brother-in-law with his own hands, and by torturing to death Marius Gratidianus, a kinsman of Cicero, whose bloody head he carried through the streets of Rome. He then cast upon the Vestal Fabia, the sister of Cicero's wife, the dark shadow of a name stained by every sensual crime. And yet he was an able man who was absolutely fearless, and possessed, as Cicero himself admitted, of certain attractions. He came out of the Second Punic War covered with wounds, and with the loss of his right hand whose place he supplied with one of iron.

Lucius Sergius Catiline.

His offenses against Cicero.

With such a record behind him, he entered the *cursus honorum*, first becoming praetor and then governor of Africa. When he returned from that field with money enough, as he thought, to buy the consulship, Clodius impeached him for extortion and oppression, which disqualified him as a candidate in the election for the year 65 B.C.

Impeached by Clodius for extortion and oppression.

As he was acquitted, no such obstacle stood in his way the next year when Cicero, whom he regarded as a parvenu, crossed the path of his ambition. That defeat by his brilliant rival only made him the more determined to stand again in the face of greater difficulties, accentuated by the news of the death of Mithridates which made the return of Pompey nearer. His brother-in-law, Nepos, one of his generals, had actually arrived and was a pros-

Second struggle for the consulship.

pective candidate for the tribunate.⁴² It is not likely that in his second struggle Catiline had the support of Crassus and Caesar.

As the former was the largest creditor in Rome, it is hardly possible that he could endorse an election programme which emphatically promised a measure dispensing all debtors from paying their creditors. But such a revolutionary propaganda—

. . . found ardent and enthusiastic supporters in the most diverse quarters—among the dissipated youth and decadent aristocracy of Rome, among the poor in all parts of Italy, even among the middle class of well-to-do proprietors, whom the passion for speculation had driven into debt. Where Rullus had only ruffled the surface, Catiline moved society to the depths.⁴³

Cicero leader
of aristocracy
and wealthy
knights.

The counterblast to such a menace was a coalition between the respectable aristocracy and the wealthy knights who drew together for the defense of law and property. Cicero as their leader undertook to strengthen himself by purchasing the neutrality of his colleague Antonius through a transfer to him of his province of Macedonia, and the cause, by procuring a stringent addition to the Calpurnian law against electoral corruption, increasing the penalties and modifying the methods of voting to the disadvantage of Catiline. Thus hampered, he was called upon to face three other candidates for the consulship—Murena, an ex-general of Lucullus, Silanus, second husband to the mother of Brutus, and Sulpicius, the draftsman of the new electoral bill.

Candidates
for the
consulship.

In the midst of rumors that there was to be a general insurrection, that Catiline was summoning Sulla's veterans from Etruria, that there was to be a wholesale massacre of the Senate,⁴⁴ Cicero was receiving exact information as

⁴² Plut., *Cat.*, v, 20.

⁴³ Ferrero, vol. i, p. 243.

⁴⁴ Plut., *Cic.*, xiv.



CICERO SPEAKING IN THE SENATE AGAINST CATILINE. From the painting by Maccari.

to all that was actually going on from Fulvia, a lady of shady reputation, the mistress of Quintus Curius, who, if not a conspirator himself, was set as a spy among those who were. So great was his danger that the consul brought from Reate in Sabinum⁴⁵ to the capital a body of young men for his personal service and protection. At such a critical moment Servius, the strongest of the conservative candidates, who was unwilling to spend money in defiance of his own law, withdrew from the contest, announcing at the same time his intention to prosecute Murena for bribery. That scandal came upon the very eve of the elections which, according to the soundest view, took place in the last days of July or the first days of August.⁴⁶

Thus beset, Cicero attempted "to piece out the lion's skin with the fox's" by suddenly convening the Senate on the day before the date fixed for the elections, solemnly demanding that the vote should be postponed for several days so that an inquiry might be had into dangers threatening the life of the state. On the next day, after circulating all current reports as to Catiline's designs, he challenged him to come forward and speak for himself, hoping in that way to obtain some damaging admission. But that artifice failed when Catiline replied with laconic brusqueness that—

Senate suddenly convened on eve of election.

. . . there were two bodies of the Republic—the one weak with a weak head, the other powerful without a head—and that, as this last had deserved well of him, it should never want a head as long as he lived.⁴⁷

⁴⁵ A community of which he was *patronus*.—Cicero, *Pro M. Scauro*, xxvii.

⁴⁶ It was long believed that the elections took place in October, but John has shown, I think once and for all, that they took place at the normal time, at the end of July or the beginning of August.—C. John, *Die Entstehungsgeschichte der Catilinarischen Verschwörung*, pp. 750–55; Ferrero, vol. i, p. 249, note †.

⁴⁷ *Pro Mur.*, 25, 51; Plut., *Cic.*, xiv. Cf. John, *op. cit.*, p. 750.

Cicero presided in assembly with a cuirass under his toga.

Catiline defeated.

Cicero's defense of Murena.

After second defeat Catiline cast the die.

That announcement that he would be the head of the only vigorous organ in the state—the people—was his last word before the morning of the election when Cicero, wearing a cuirass under his toga, took his place as president of the assembly in which nobles and knights who had never appeared in the Campus Martius in their lives came to the voting booths. While the vote was close, the proletariat was beaten down by the rich and powerful conservative coalition; Catiline was defeated for a second time; Murena and Silanus were elected consuls. Only one hope remained to Catiline, and that was that Murena might be condemned in the suit for bribery brought by Sulpicius, a hope that withered when Cicero himself undertook his defense, finally securing his acquittal by the famous and elaborate oration which has come down to us in a fairly perfect form.

Certainly, the more recent critics are right who claim that not until after his second defeat at the polls (*repulsa*)⁴⁸ did Catiline cast the die, when nothing remained to him but a renunciation of all hopes of the consulship and retirement to private life. Rejecting such a thought, the furious and baffled aspirant took the decisive step by sending money to Manlius, an old soldier of Sulla, with which to recruit a small army on the southern foothills of the Apennines, as an assurance to his partisans in the capital who were to attempt the assassination of Cicero and the forcible seizure of the consulship.⁴⁹ His hopes of success depended primarily upon Sulla's veteran soldiers, whose cause he had always espoused, and upon

⁴⁸ There were three defeats if we count his abortive effort to become a candidate in 65 B.C. The evidence is very inconclusive and contradictory as to the so-called "first conspiracy of Catiline," assigned to the end of the year 66 B.C. and the beginning of the year 65 B.C. Certainly the plot never ripened into overt acts.

⁴⁹ Cf. John, pp. 755-91.

the support of such senators of profligate lives and desperate fortunes as Lentulus, Cethegus, Gabinius, Statilius, Longinus, Laeca, Publius and Servilius Sulla, Curius, Vargunteius, Annius, and Bestia.

During the months of August and September, devoted by the conspirators to their preparations, it was impossible to preserve secrecy, and as the rumors of the approaching revolution spread, the aroused conservatives became more insistent for the proclamation of a state of siege, or, as we should say, martial law. Impressed by that outcry and the personal dangers to which he was himself exposed, Cicero convened the Senate for October 21, declaring at the sitting that he "knew all"; that he then had certain proof of the gravest charges against Catiline, which could not have been true at that time.⁵⁰ Then it was, after Catiline had given an insolent reply to an invitation to clear himself, that the Senate proclaimed a state of siege⁵¹ by the adoption of the well-known resolution — *ut consules viderent ne quid detrimenti respublica caperet*. But the declaration was only a threat; it was not put into execution. There was then a lull in the storm until a great sensation was caused by the news that Manlius was openly at the head of an army in Etruria,⁵² and that he had written letters to Marcius saying that he and his followers had taken up arms because they could no longer bear the debts by which they were burdened.⁵³

Then came the meeting on the night of November 6, in the house of Porcius Laeca⁵⁴ where Catiline urged his

Months of August and September, 63 B.C., devoted to preparation.

Manlius at the head of an army in Etruria.

Meeting at the house of Laeca, November 6,

⁵⁰ That is proven by Plut., *Cic.*, xiv; Sall., *Cat.*, 30, and by Cicero himself, *Cat.*, i, 3.

⁵¹ *Cat.*, i, iii, 7; i, 2.

⁵² Sall., *Cat.*, xxx; Plut., *Cic.*, xv.

⁵³ Sall., *Cat.*, xxxiii.

⁵⁴ Cf. Tarentino, C. C., pp. 89f; John, p. 792.

friends to reinforce the movement of Manlius by inciting a general insurrection throughout Italy, to be begun by the assassination of his chief enemy, Cicero,⁵⁵ two knights who were present offering to visit the consul's house the next morning for that purpose.⁵⁶ But that move was cut short by Fulvia who carried the news immediately to Cicero who, on November 8, convened the Senate in extraordinary session in the temple of Jupiter Stator, only used for such purposes on occasions of great danger.

First
Catilinarian,
November 8.

Then it was that Cicero, with Catiline present and unabashed until he was shunned by all his colleagues, delivered the First Catilinarian, the brilliant invective, addressed directly to the conspirator, in which he said:

You are hemmed in on all sides; all your plans are clearer than the day to us; let me remind you of them. Do you recollect that on the 21st of October I said in the Senate that on a certain day which was to be the 27th of October, C. Manlius, the satellite and servant of your audacity, would be in arms? Was I mistaken, Catiline, not only in so important, so atrocious, so incredible a fact, but, what is much more remarkable, in the very day? I said also in the Senate that you had fixed the massacre of the nobles for the 28th day of October, when many chief men of the Senate had left Rome, not so much for the sake of saving themselves as of checking your designs.⁵⁷

He had said already, in the course of the same speech:

Long ago, Catiline, you ought to have been led forth to execution by the consul's order; and on your head ought to have fallen the destruction which you have long been plotting against us all.

Catiline
driven from
Rome never
to return.

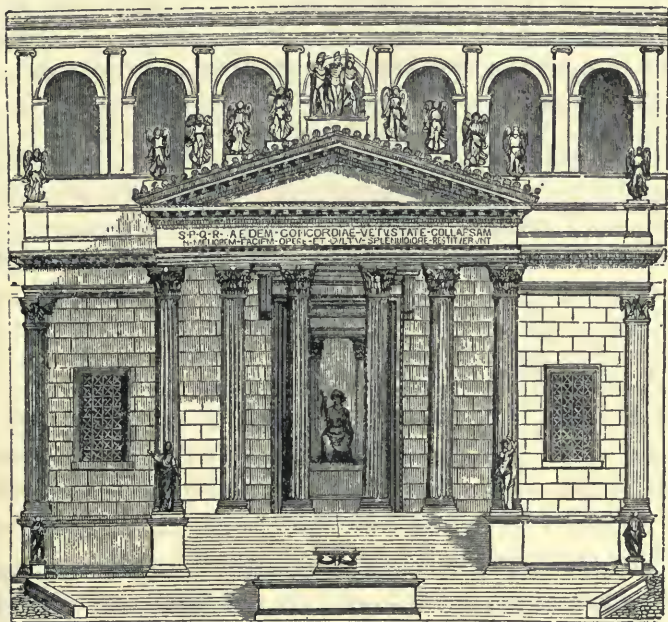
By that crushing denunciation Catiline was driven from Rome never to return. On the night following that great

⁵⁵ *Pro Sulla*, 18.

⁵⁶ When Vargunteius and Cornelius appeared at the door of Cicero's house they were not admitted. Sallust mentions both. Cicero (*pro Sulla*, 6.) names only Cornelius.

⁵⁷ *Cat.*, i, 3.

day he passed out with a large bodyguard of armed men by the Aurelian Way which, after touching the Etruscan coast, turned eastward to Florentia and Faesulae,⁵⁸ leaving behind him a headless and irresolute group that lost their nerve the moment their leader had forsaken them.



TEMPLE OF CONCORD IN WHICH THE CATILINE CONSPIRATORS
WERE CONDEMNED

On the next day, November 9, Cicero delivered the Second Catilinarian, in the form of a public address (*contio*) to the people in the Forum, whose note is one of exultation:

Second
Catilinarian,
November 9.

At length, O Romans, we have dismissed from the city, or driven out, or, when he was departing of his own accord, we have pursued with our words, Lucius Catiline, mad with audacity, breathing wickedness, impiously planning mischief to his country, threaten-

⁵⁸ Plut., xvi; Sall., *Cat.*, xxxiv.

ing fire and sword to you and to this city. He is gone, he has departed, he has disappeared, he has rushed out. No injury will now be prepared against these walls within the walls themselves by that monster and prodigy of wickedness. And we have, without controversy, defeated him, the sole general of this domestic war. For now that dagger will no longer hover about our sides; we shall not be afraid in the campus, in the Forum, in the senate-house,—aye, and within our own private walls. . . . What I have been waiting for, that I have gained—namely, that you should all see that a conspiracy has been openly formed against the Republic; unless, indeed, there be anyone who thinks that those who are like Catiline do not agree with Catiline. There is no longer room for levity; the business itself demands severity. One thing, even now, I will grant—let them depart, let them be gone. . . . As to the future, I cannot now forget that this is my country, that I am the consul of these citizens; that I must either live with them, or die for them. There is no guard at the gate, no one plotting against their path; if anyone wishes to go, he can provide for himself; but if anyone stirs in the city, and if I detect not only any action, but any attempt or design against the country, he shall feel that there are in this city vigilant consuls, eminent magistrates, a brave Senate, arms, and prisons, which our ancestors appointed as the avengers of nefarious and convicted crimes.⁵⁹

Fatal intrigue with Allobrogian envoys.

The feeble partisans Catiline had left behind him, such as Cethegus, Statilius, Ceparius, and Lentulus, who were to carry on the work at the capital by inciting the slaves and the proletariat to rebellion, by slaying Cicero and all the senators in the midst of a general commotion to be heightened by firing the city in several places at the same time, planned their own destruction when they approached the ambassadors of the Allobroges who had come to Rome to present certain grievances of their country whose limits were nearly identical with those of modern Savoy. For certain inducements these Gauls were asked to kindle the flames of war beyond the Alps by sending pikemen

⁵⁹ *Cat.*, ii, 1, 4, 12.

and cavalry to assist the revolutionary forces in that quarter.

After a conference in the house of Sempronia, the wife of Brutus, who was absent, the Gauls withdrew, and communicated with their advocate Sanga, who conferred at once with Cicero. The masterful criminal lawyer who knew how to gather evidence explained to the two envoys how to trap the conspirators by demanding of them sworn promises in writing to be sent to their people in Gaul.⁶⁰ After such documents had been obtained from all the leaders at Rome it was agreed that the envoys should return, accompanied by Volturcius, who had received from Lentulus⁶¹ a short unsigned letter to Catiline with whom they were to confer on the way home. Departing on the night of December 2-3 by the Flaminian Way, the envoys, as they passed over the Mulvian bridge, less than two miles north of the city, were seized by two praetors who had been stationed there with guards in ambush.

Conference in the house of Sempronia, wife of Brutus.

The Mulvian bridge, December 2-3.

With the incriminating documents thus secured, Cicero, moving with great rapidity, had the chief conspirators, Lentulus, Cethegus, Statilius, and Gabinius, arrested and brought first to his house in the Carinae and thence to the Senate for a judicial inquiry which consumed nearly all of December 3. There the conspirators, confronted by the ambassadors and by their own letters, were surprised into a confession. At the end of the cross-examination before the Senate, which sat on this occasion in the temple of Concord, Cicero, as he passed out, received a great ovation. He then crossed over to the Rostra, near the temple, in order to explain to the waiting populace all that had occurred. In a discourse known as the Third Catilinarian, he said:

⁶⁰ Sall., *Cat.*, xlv.

⁶¹ *Cat.*, iii, 5; Sall., *Cat.*, xlv.

Third
Catilinarian,
December 3.

I introduced Volturcius without the Gauls. By the command of the Senate I pledged him the public faith for his safety. I exhorted him fearlessly to tell all he knew. Then, when he had scarcely recovered himself from his great alarm, he said that he had messages and letters for Catiline from Publius Lentulus to avail himself of the guard of the slaves, and to come toward the city with his army as quickly as possible; and that was to be done with the intention that when they had set fire to the city on all sides, as it had been arranged and distributed, and had made a great massacre of the citizens, he might be at hand to catch those who fled, and to join himself to the leaders within the city. [Fearing lest he should be blamed for permitting Catiline to escape, Cicero said:] Unless I had driven this man, so active, so ready, so audacious, so crafty, so vigilant in wickedness, so industrious in criminal exploits, from his plots within the city to the open warfare of the camp (I will express my honest opinion, O citizens), I should not easily have removed from your necks so vast a weight of evil.

Excuse for
permitting
Catiline to
escape.

Attempt to in-
volve Caesar
and Crassus.

When, on the next day, the Senate continued the inquiry by hearing other witnesses, some of the conservative chiefs attempted to induce the conspirators to confess that Caesar and Crassus had been parties to the plot. But the senators refused to believe the informers. And so the session ended after rewards had been voted to Volturcius and the Allobrogian envoys; and after Cicero had received the splendid title of "Father of his country"—an unprecedented honor accorded him in a resolution decreeing public thanksgiving to the gods for the services he had rendered "in preserving the city from conflagration, the citizens from massacre, Italy from war."

Honors for
Cicero.

Debate on
the death
penalty,
December 5.

The great day was December 5, when the Senate met under the presidency of Cicero to debate the death penalty while the excited populace, blocking the Forum, the temples, and all the streets in the neighborhood, awaited the result. After Silanus, one of the consuls for the next year, who was requested to speak first, had given his

opinion in favor of the death penalty, all who followed expressed the same view until Caesar, praetor elect, was reached. He, after censuring the crime of the accused, proposed imprisonment and confiscation without the power of remission of the sentence, because, he said, the death penalty was both dangerous and illegal. Thus a grave constitutional question was raised involving the power of the Senate to inflict the death penalty under the resolution of October 21 declaring martial law.

A grave constitutional question.

As the Senate was not a judicial tribunal, and as the constitution gave it, as such, no power to inflict the death penalty, its power to inflict it in this case depended upon the resolution in question, if it existed at all. A distinguished jurist has suggested that the supreme power of life and death had been given by the resolution of October 21 to the consuls, but that they had abdicated that power by referring the decision to the Senate, thereby casting the responsibility upon that body.⁶² Under such conditions did the *lex Valeria*, allowing an appeal to the people in their centuries against every sentence of a magistrate, still prevail against a *decreteum ultimum*. The highest authority on the subject says:

Forsyth's view.

This guardianship of the state against conspiracies (*conjurationes*) may have been the precedent for a power, the legality of which, as exercised by the Senate during the last century of the Republic, was hotly contested. . . . Yet Roman sentiment would have declared that there were times when the decree and its con-

Greenidge's view.

⁶² Forsyth, *Life of Cicero*, vol. i, p. 152. For Niebuhr's view, see *Hist. of Rome*, vol. v, p. 25; for Mommsen's, *Gesch. Röm.*, bk. v, ch. 5. After speaking, in his *Roman History*, of Cicero's act as "a brutal judicial murder," Mommsen, in his more recent work, the *Staatsrecht* (vol. iii, p. 1246), holds that the *Senatus consultum ultimum* did really and legally justify the consul in treating all conspiring citizens as enemies when found on Roman territory. His final complaint against Cicero seems to be that he should have consulted the Senate at all instead of putting the conspirators to death on his own responsibility.

sequences were justified. Force can only be met by force, and a gathering such as Catiline's army in Etruria was a fair object of attack by the executive authorities; but sentiment would not have allowed the execution, without appeal, of a few prisoners captured within the city, however grave the danger.⁶³

Against that claim that the "few prisoners captured within the city" did have the right of appeal to the people another acute specialist urges the fact that no such appeal was taken:

Sihler's
view.

Did Caesar move for a regular trial, whether for *maiestas* or *perduellio*, under the statutes (of Sulla) then in force? Did he move for any trial at all? Did he seriously question the constitutional right of the Senate? Did he speak of an appeal? Not at all.⁶⁴

Fourth
Catilinarian.

To laymen such an argument is impressive, but not to constitutional lawyers who know that if a tribunal that takes away life is without jurisdiction to render the judgment, its act is illegal and void, no matter whether the accused is active or passive. Cicero, evidently appreciating the difficulty in which he would be placed, if called upon to execute an extra-constitutional sentence, delivered at that point the Fourth Catilinarian in which, despite its ambiguous terms, he indicated a decided inclination toward Caesar's views. He made it plain, however, that he was quite ready to execute the decree of the Senate whatever it might be:

Now, O Conscript Fathers, I see what is my interest; if you follow the opinion of Caius Caesar (since he has adopted this path in the Republic which is accounted the popular one), perhaps since he is the author and promoter of this opinion, the popular violence

⁶³ Greenidge, *Roman Public Life*, pp. 279-80.

⁶⁴ Sihler, pp. 163-64. See also the article of G. W. Botsford, "On the Legality of the Trial and Condemnation of the Catilinarian Conspirators," in the *Classical Weekly*, N. Y., March 1, 1913, p. 130.

will be less to be dreaded by me; if you adopt the other opinion, I know not whether I am not likely to have more trouble; but still let the advantage of the Republic outweigh the consideration of my danger. . . .

I seem to myself to see this city, the light of the world, and the citadel of all nations, falling on a sudden by one conflagration. I see in my mind's eye miserable and unburied heaps of cities in my buried country, the sight of Cethegus and his madness raging amid your slaughter ever present to my sight. But when I have set before myself Lentulus reigning as he himself confesses that he had hoped was his destiny, and this Gabinius arrayed in the purple, and Catiline arrived with his arms, then I shudder at the lamentation of matrons, and the flight of virgins and of boys, and the insults of the vestal virgins; and because these things appear to me exceedingly miserable and pitiable therefore I show myself severe and vigorous to those who have wished to bring about this state of things. . . . Therefore, O Conscript Fathers, determine with care, as you have begun, and boldly, concerning your own safety and that of the Roman people, and concerning your wives and children; concerning your altars and your hearths, your shrines and temples; concerning the houses and homes of the whole city; concerning your dominion, your liberty, and the safety of Italy and the whole republic. For you have a consul who will not hesitate to obey your decrees, and who will be able, as long as he lives, to defend what you decide on, and of his own power to execute it.⁶⁵

Cicero in one of his letters to Atticus makes it plain that the senators were still inclined to the views of Caesar until the tide was suddenly turned by Cato's fiery appeal in which he imperiously demanded that law and order should be upheld by the infliction of the death penalty. A majority of the wavering Senate, who were thus driven to that conclusion by the tribune elect, escorted him to his house.⁶⁶ Most of the senators, not including Caesar, then joined another procession that escorted the consul through the streets as he took the conspirators, Lentulus, Cethe-

Cato's fiery
appeal
forced the
death
sentence.

Conspirators
strangled
in the
Mamertine.

⁶⁵ *Cat.*, v, 6, 11.

⁶⁶ *Vell.*, ii, 35.

gus, Statilius, and Gabinius from the different houses in which they were guarded, to the lower vault of the Mamertine prison⁶⁷ where they were strangled by the soldiers who acted as public executioners. After all was over, Cicero announced to the awe-struck multitude the fate of the traitors in a single word: *Vixerunt*—"They have ceased to live."⁶⁸ He then returned to his house in the midst of an enthusiastic demonstration of confidence. In the words of Plutarch: "The women showed lights from the tops of the houses in honor of Cicero, and to behold him returning with a splendid retinue of the principal citizens." A few weeks later Catiline, who had been able to arm only a few thousand men, after a bloody battle in which he fought with desperate bravery, was defeated and killed at Pistoria in Etruria. His head was sent to Rome.

Demonstration in Cicero's honor.

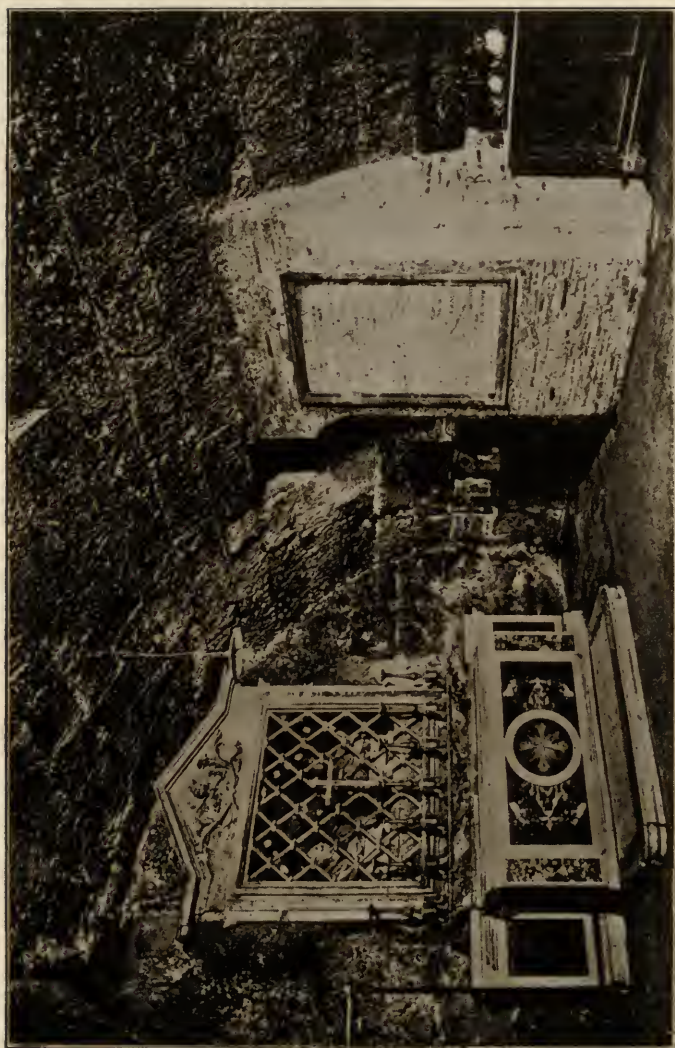
Close of his career as a statesman.

Farewell address cut off by tribune's veto.

Despite the fact that Cicero was still to hold the offices of augur and proconsul in Cilicia, his career as a statesman, as a director of public affairs at Rome, was now at an end. Nothing remained but a last word to the people before the inauguration of the new consuls, Murena and Silanus, on January 1, 62 B.C. But alas! in speaking that final word a bitter cup was pressed to his lips that did not pass from him in all the sad disappointing years that were yet to come. When on December 31, he attempted, according to custom, to deliver his farewell address on laying down his office, Metellus Nepos, one of the new tribunes, after covering the Rostra with benches, so as

⁶⁷ Servius Tullius completed this prison by the addition of a subterranean dungeon called, after him, Tullianum. The traveler who visits it may still recognize the fidelity of Sallust's description. Sall., *Cat.*, 55; cf. Varro, *L. L. V.*, § 151.

⁶⁸ "So," says Plutarch, "the Romans, to avoid inauspicious language, name those that are dead." Cf. Sall., *Cat.*, 50 sqq.



MAMERTINE PRISON IN WHICH THE CATILINE CONSPIRATORS WERE EXECUTED.
Now the "Chapel of St. Peter in Carcere."

to prevent the consul from standing there, interposed his veto upon the ground that no man should be allowed to speak to the people who had condemned Roman citizens to death without a trial. With his usual quickness Cicero turned the unprecedented insult to a magistrate to a good account, when, instead of taking the traditional oath of outgoing consuls, he devised one of his own. Raising his voice so that it could be heard by all, he swore that during his consulship he had saved the state and conserved the empire,⁶⁹ the people answering, "you have spoken true."⁷⁰

Swore that
he had saved
the state and
conserved
the empire.

⁶⁹ *Ad Fam.*, v, 2.

⁷⁰ Cicero, *In Pisonem*, 3.

CHAPTER VIII

CICERO AND POMPEY

AN ATTEMPT has been made heretofore to emphasize the fact that when Cicero entered public life as a member of the Roman bar the administration of law was subject to the overshadowing influence of Sulla,¹ a successful general, who, after his return from the first Mithridatic war, won the dictatorship by crushing the Marian party.

At the end of his public life as a statesman, Cicero was to feel the overshadowing influence of another successful general, who, after his return from the last Mithridatic war, was to establish as the conqueror of Spain, Africa, and Asia, a virtual dictatorship, destined to continue until near the close of his life in 43 B.C. During the fourteen years that intervened between the end of Cicero's consulship in the year 63 B.C. and Pompey's overthrow at Pharsalia in the year 48 B.C., the histories of these two men, born in the same year, are inseparable. The only permanent thing Sulla left behind him was a type of statesman new to the history of Rome—"the type of a military chief at the head of a devoted army which he controls by his money and by the sword."²

Sulla, Pompey, and Caesar as types.

After Sulla had passed away, that type was reproduced in a more permanent form in Pompey; and after he had passed away, in a still more permanent form in Caesar. All that remained of life to Cicero, excepting his last year, was to be passed beneath the shadows first of

¹ See above, p. 115.

² Ferrero, *Greatness and Decline of Rome*, vol. i, p. 105.



POMPEY THE GREAT. Spada Palace.

Pompey and then of Caesar. As the downfall of the Republic draws near, events cluster around the names of a few great military chiefs, and in that way its annals become rather biographical than historical.

As a soldier under Sulla, Cnaeus Pompeius, in common English form Pompey, connected himself with the aristocratic party; and the victories he won over the Marian armies at home, which brought to him the title of *imperator*, were soon followed by triumphs over the Marians in Sicily and Africa, which prompted Sulla to give him the surname of Magnus. Next came his victories in Spain over the Marian leader Sestorius; and then the final blow to the slave insurrection headed by Spartacus. Thus it was that he won in 71 B.C. the consulship with Crassus, and a triumph in honor of his Spanish successes. Four years later, on motion of the tribune Gabinius, he was entrusted with the extraordinary command created specially for the extermination of piracy in the Mediterranean, resulting in swift and complete victory.³

Sulla's
leadership
of the
aristocracy.

Consul with
Crassus in
71 B.C.

It is not therefore strange that in the next year the tribune Manilius should have asked for a vote of the people placing the invincible one in supreme command of Rome's empire in the East in order that the prolonged war with Mithridates, king of Pontus, who had recovered from defeats inflicted upon him by Lucullus, might be brought to a close. With that task accomplished, he turned southward, and, after conquering Syria and Phoenicia, he entered Palestine, taking, after a short siege, the city of Jerusalem.⁴

Supreme
command
in the East.

³ Plut., *Pomp.*, 25; Dio, xxxvi, 6; Livy, *Epit.*, c.

⁴ Josephus, *Antiquities of the Jews*, xiv, 4, 4; Zon., v, 6. But Cnaeus Pompeius, after he had taken Jerusalem, though he was a conqueror, touched nothing which was in that temple. — Cic., *Pro Flac.*, 28. The Jews must

The Romans were thus brought into contact for the first time with a people whose religion was destined to exercise such a profound influence upon the mighty fabric the empire founders were building up. There is sufficient evidence to justify the belief that after Pompey had invaded the *penetralia* of the Temple, and gazed upon its mysteries and its treasures, he was so overawed that he left all untouched, despite the fact that he found no statue or picture of the Godhead. Tacitus says:

God of the
Jews de-
scribed by
Tacitus.

The Jews acknowledge one God only, and Him they see in the mind's eye, and Him they adore in contemplation, condemning as impious idolators all who, with perishable materials, wrought into the human form, attempt to give a representation of the Deity. The God of the Jews is the great governing Mind that directs and guides the whole form of nature, eternal, infinite, and neither capable of change nor subject to decay. In consequence, no statue was to be seen in their city, much less in their temple.⁵

Nothing perhaps is more remarkable than the fact that if the Aryan world of Europe has learned its arts and its laws from its own elder brethren, it is from the Semitic stranger that it has learned its faith.⁶

Pompey's re-
turn in 62 B.C.

Toward the middle of the year 62 B.C., Pompey was about to return to Rome after five years of absence, and everyone was uneasy as to what the most famous, the most powerful, the wealthiest Roman would do. Would he come at the head of his army, abolish the Republic, and then make himself dictator? Certain it was that he would exercise an immense influence, and for that reason everyone was eager to ascertain his views and to enlist his interest in pending problems.

have been brought to Rome in great numbers after Pompey's conquest, because Cicero says that in five years they became so numerous and influential that they disturbed the popular assemblies and that an orator who did not desire to raise a storm was compelled to conciliate them. — *Pro Flac.*, 28.

⁵ *Hist.*, v, 5.

⁶ Freeman, *Comparative Politics*, p. 32.

At that moment one of the *on-dits* in the political and social world at Rome was the trial of Clodius, a young aristocratic degenerate who had violated the mysteries of the *Bona Dea*, recently celebrated, according to custom, at the house of the first praetor, Caesar.⁷ Something like consternation passed over the city when it was reported that at a solemn religious festival in honor of the goddess who gave fruitfulness in marriage, and at which even the pictures and statues of all men were veiled,⁸ a young profligate had intruded himself dressed as a woman, either to gratify prurient curiosity, or, what was far worse, to have a liaison with the lady of the house, Caesar's wife, Pompeia.

Trial of
Clodius.

His liaison
with
Pompeia.

After the college of pontiffs had declared the act to be a sacrilege, the Senate suggested that the consuls should propose a bill in the assembly providing that the *judices* should be selected by the praetor and not chosen by lot, as those selected in that way might be easily accessible to bribes.⁹ So matters stood when Pompey landed at Brundisium, disbanded his army, to the surprise and delight of the conservatives, and then moved toward Rome with a small suite, intent only on a triumph. When during his approach he was asked publicly for his opinion as to the manner in which the *judices* in the trial of Clodius should be drawn, he avoided a conflict with the Senate on the one hand and the populace on the other by giving an evasive answer.

Pompey's
neutrality.

After a furious contest in the assembly, a compromise bill was passed which, after declaring the act in question a sacrilege, provided that the *judices* should be chosen by lot out of the *decuriae*, representing a limited number

⁷ Plut., *Caes.*, 9-10.

⁸ Juvenal says that even a male mouse dared not show himself.

⁹ *Ad Att.*, i, 13; i, 16.

Caesar and
Cicero as
witnesses.

of the Senate. Before the trial came on in the year 61 B.C., the cause of Clodius had been espoused by the popular party, now openly denouncing what it called the illegal executions of the accomplices of Catiline. At the trial Clodius pleaded an alibi, contending that he was at Interamna some sixty miles from Rome when the crime was committed. As Caesar, when examined as a witness, said he knew nothing,¹⁰ the defense might have prevailed on the facts had not Cicero, who appeared as a witness, deposed that three hours before the commission of the crime Clodius had called to pay his respects at his house.¹¹

Pompeia
divorced.

Cicero and
Clodia.

But somebody's gold, undoubtedly that of Crassus, went forth to swell the cry of the democrats who were declaring that those who had perished on December 5 in the Mamertine prison were really assassinated, despite the fact that Clodius himself, the sworn enemy of Catiline, had supported Cicero at that time. While Caesar took no active part in the trial he divorced his wife Pompeia, declaring, according to Plutarch, that "Caesar's wife should be above suspicion." If the same authority is to be believed, Cicero was drawn into the position of a voluntary witness in order to quiet the suspicions of the jealous and shrewish Terentia as to Clodia, the sister of Clodius, a most degraded woman who is said to have purchased a garden near a bathing place for young men on the banks of the Tiber, where she received the most profligate of the Roman nobility. Those who pretend to believe Plutarch, in order to impugn the motives of Cicero, say that to allay the suspicions of Terentia he made the assault upon the brother of Clodia.¹²

¹⁰ Plut., *Caes.*, 10.

¹¹ Val. Max., viii, 5, 5; *Ad Att.*, i, 16.

¹² Plut., *Cic.*, 29.

According to ancient chroniclers each of the purchased *judices* in the case of Clodius, who was acquitted by a vote of thirty-one to twenty-five, received something like four hundred thousand sesterces¹³—a condition of things which filled the mind of Cicero with the most gloomy forebodings for the future of the Republic. In a letter to Atticus he said:

Clodius
acquitted
through
bribery.

A state of things which seemed fixed and founded on the union of the better class and the prestige of my consulate, unless some power above have mercy upon us, has been surely made to slip from our hands, by this one verdict, if you call it a verdict, when thirty individuals, the most frivolous among the Roman people, upon receiving some paltry coin, are destroying all human and divine principle.¹⁴

Under such provocation the great master of denunciation could not keep silent. After denouncing Clodius in the Senate and elsewhere, he published a carefully prepared invective against him of which only a few fragments survive. The following extract may be given as a specimen:

Cicero's
invective
against him.

O extraordinary prodigy! O you monster! are you not ashamed at the sight of this temple and of this city, nor of your life, nor of the light of day? Do you, who were clad in woman's attire, dare to assume a manly voice—you, whose infamous lust and adultery, united with impiety, was not delayed even by the time required to suborn witnesses to procure your acquittal? Did you, when your feet were being bound with bandages, when an Egyptian turban and veil were being fitted on your head, and when you were with difficulty trying to get down the sleeved tunic over your arms, when you were being girdled carefully with a sash—did you never in all that time recollect that you were the grandson of Appius Claudius?¹⁵

¹³ "What did you want a guard for?" asked Catulus of one of the *judices*. "Were you afraid lest you should be robbed of your bribe?"

¹⁴ *Ad Att.*, i, 16.

¹⁵ Printed by Orelli, according to the corrections of Beier, from the Ambrosian manuscript.

The consequences.

As Cicero thus applied the scourge to the back of Clodius, he applied it, some years later, to the back of Mark Antony. The vengeful counterblast of the former culminated in a movement that fired his house and drove him into exile; the vengeful counterblast of the latter culminated in his assassination.

Cicero's desire to impress Pompey.

In the midst of all his perplexities the ex-consul was consumed with the desire to impress upon the great captain the fact that while he had been doing great things in the East, he himself had been doing even greater things at home. He was eager to make Pompey understand "his consular achievements" in the suppression of the great conspiracy, which, in a letter addressed to the returning conqueror, he said had been in the process of formation since January 1, 65 B.C. Wounded as he was by Pompey's cold and unappreciative reply, it is not strange that he should have sneered at Pompey's first address to the people, which he said fell flat because displeasing to the rich, distasteful to the poor, spiritless to the wicked, and trifling to the good.¹⁶

His time came however, when, after Pompey had made his first speech in the Senate, Crassus rose and paid a glowing tribute to Cicero's splendid services in saving the state, saying that whenever he thought of his wife, his home, his country, he realized that he owed everything, even life itself, to the great consul, Cicero. With his favorite theme thus happily introduced, Cicero began his reply in the presence of Pompey, who had never heard him before, determined to exhibit himself to the best advantage.

¹⁶ *Ad Att.*, i, 14: "Non jucunda miseris, inanis improbis, beatiss non grata, bonis non gravis: itaque frigeat."

But I, good gods, how did I vaunt myself before my new hearer Pompey! If ever periods, transitions, the syllogisms of oratory, the making of points by amplification—they were at my service on that occasion. Why say more? There was a roar of applause. For this was my theme: about the decisive importance of the senatorial class, about harmony with the equestrian class, about the utterly defunct remnants of the conspiracy, about the reduced cost of living, about peace and order. You know well how I can thunder on a topic like this. It was so loud, in fact, that I may cut short my description, as I think you must have heard it in Epirus.¹⁷

His first speech in his presence.

It was at this moment when the pulses of his vanity were beating strong, and when he was over-stimulated perhaps by the social aspirations of the aristocratic Terentia, that he made the grave mistake of exchanging the old-fashioned home of his father in the Carinae for a splendid mansion on the Palatine, purchased from Crassus at the enormous price of three and one-half million sesterces. Its atrium was adorned with columns of Greek marble thirty-eight feet high. He was now a neighbor of Caesar, who dwelt in the Regia near by.¹⁸

The great house on the Palatine.

In order to make such a purchase, and to maintain such establishments, it is clear that, in defiance of the Cincian law, no longer strictly observed,¹⁹ he was obliged to call upon his clients for contributions in the form of loans without interest.²⁰ From money so contributed, or in the form of legacies, must have been made up his enor-

Sources of his enormous income.

¹⁷ *Ad Att.*, i, 14.

¹⁸ *Ibid.*, xii, 45.

¹⁹ "La loi Cincia, en ce qui concerne cette disposition particulière, étant un anachronisme. Dirigée contre l'abus des honoraires exagérés, contre la liscence des avocats, comme dit Tacite, elle aurait pu produire de bons résultats: absolue dans ses prohibitions, elle ne fut respectée que par un petit nombre d'orateurs intéressés à faire parade d'une générosité qui leur profitait." — Grellet-Dumazeau, *Le Barreau Romain*, p. 118.

²⁰ According to Gellius (xii, 12), Cicero, not having the ready money to make the purchase in question, accepted a loan of two million sesterces from P. Sulla, a client, then under indictment.

mous income which could not have been derived in any more legitimate way. At the end of that year, 62 B.C., he writes to Sestius:

Let me tell you, I am so deep in debt as to desire to enter into a conspiracy myself. But my credit is fairly good on the Forum: the money lenders know who raised the siege from which they were suffering. I can borrow money at six per cent.²¹

At this time it was that his client Publius Sulla lent him two million sesterces; and in addition to that he had his agreement with his colleague Antonius who, in consideration of the surrender to him of his province of Macedonia, was to send to Cicero a certain part of his gains. That subject was certainly alluded to in letters to Atticus (i, 12), in which the identity of Antonius, or his agent at Rome, was concealed under the nickname *Teukris*. But the ex-consul was not alone in his financial embarrassments. At that moment the ex-praetor Caesar, about to depart for his new province of Spain in order to enrich himself, was threatened by certain of his creditors, instigated by his political enemies, with the seizure of his baggage in the event that he failed to settle a bundle of old unpaid bills of exchange held by them. Not until after Crassus had offered guaranties that his creditors could not question, was the coming great one able to depart in peace.²²

The contrast is certainly striking between the bankrupt Caesar and the over-rich Pompey, who delayed until September, 61 B.C., the celebration of the most gorgeous triumph Rome had ever beheld. The first day was occupied with the display of the marvelous jewels, statues, and money treasure of which the conquered had been despoiled. By fresh tribute from the new provinces the

Contributions from Antonius.

Caesar's baggage seized for debt.

Pompey's gorgeous triumph.

²¹ *Ad Fam.*, v, 6.

²² Plut., *Caes.*, ii; App., *B. C.*, ii, 8.

revenue of the Republic had been raised from fifty to eighty million drachmae, while some sixty million drachmae (£2,500,000) had been brought back as a lump sum to be paid into the treasury of the state. The second day, Pompey's birthday, was occupied by the display of groups of unchained prisoners, of a crowd of princes and hostages, seven sons of Mithridates, and many Albanian and Iberian chiefs, followed by the Great Captain himself, clothed in a tunic said to have belonged to Alexander the Great, and escorted by a brilliant guard on horseback and on foot.²³

And yet this statesman of the new type, who had purchased the election of his general Afranius as consul for the next year, with Celer, the brother-in-law of Clodius, as his colleague, was wise enough at the close of the great pageant, to withdraw quietly as a private citizen to his own house. He was preparing to enter politics—a move that involved the making of party ties and the formation of judicious personal alliances. The cunning hand that was to guide him was that of Caesar, who returned hurriedly from Spain about the middle of the year 60 B.C. to stand as a candidate for the consulship for 59 B.C. His horoscope was already cast. Roman expansion had before it at that time as possibilities the annexation of Egypt, the invasion of Parthia, and last and most important of all, extension of dominion in Europe toward the Danube and the Rhine.

Into that vast field Caesar was destined to go in order to win such fame and fortune as Pompey had found elsewhere. But before he could begin it was necessary for him to attach himself to the two most powerful men in

He prepares
to enter
politics.

Caesar's
ambitions.

²³ App., *Mithr.*, 116-17; Pliny, *N. H.*, xxxvii, 2, 16; Plut., *Pomp.*, 45; Ferrero, vol. i, pp. 278-79.

Revived
moderate
democratic
party.

the state, the one the holder of the purse, the other of the sword. Fortune favored him when Ptolemy Auletes, who had been robbed of his kingdom, resolved to offer to Crassus, Pompey, and Caesar the enormous sum of 6,000 talents if they would secure for him from Rome, despite the hesitation of the Senate, recognition as a legitimate sovereign. In order to secure adequate popular support in a struggle with the conservatives in that body, which had not yet ratified Pompey's administration in the East, Caesar resolved to revive the moderate democratic party in such a way as to enable it to secure the support of the upper and middle classes, as in the year 70 B.C.

Proposed a
quatuor-
virate.

In order to place his coalition on such a basis as would secure the support of the moderate senators, actually a majority of the whole, who had assumed such a reactionary attitude since the conspiracy of Catiline, he proposed to place the direction of affairs in the hands of a *quatuorvirate*, Cicero, Crassus, Pompey, and Caesar. The first named was told "that Caesar in all things would avail himself of Pompey's counsel and my own, and would exert himself to bring about a union of Crassus with Pompey."²⁴ While Cicero was greatly flattered, after hesitating, he declined. But that failure did not upset Caesar's plan as a whole; the "Three-Headed Monster," as Varro called it, was born; the fame of Pompey, the wealth of Crassus, and the genius of Caesar were combined in what would now be called "a political ring," an unofficial body that took upon itself the entire direction of public affairs.

The three-
headed mon-
ster born.

Caesar and
Bibulus con-
suls for 59 B.C.

The old hostility between Pompey and Crassus was broken down, a fact for some time kept secret; Caesar was elected consul, with Bibulus, a reactionary conserva-

²⁴ *Ad Att.*, ii, 3.

tive, as his colleague;²⁵ and, by a direct appeal to the assembly of the people, he secured the approval of Pompey's Asiatic administration,²⁶ and the recognition of Ptolemy Auletes as a friend of the Roman people, dividing with his colleagues the great reward promised in the event of success. But, so far as his own fortunes were concerned, Caesar at this moment accomplished something of far greater importance. Very alarming news had arrived from Gaul; the Helvetii were in motion; another Teutonic invasion was on the horizon; and in February of 59 B.C., Metellus Celer, who as governor of Gaul was to hold the supreme military command, had died suddenly, possibly by poison.²⁷

Another
Teutonic in-
vasion on
the horizon.

Under such conditions Caesar, backed by Crassus and Pompey, prompted the tribune Vatinius to propose a bill giving him the government of Cisalpine Gaul and Illyria for five years, with three legions, all to date from the promulgation of the bill, which took place on the first of March. In order to give more stability to this wonder-working coalition, Caesar persuaded Pompey, in April of this year, to marry his daughter Julia, despite the fact that she was at the time betrothed to Servilius Coepio.

Marriage of
Pompey to
Julia.

It is all important to note that in placing himself in a position to follow in the footsteps of his uncle Marius, as a defender of Rome against the northern barbarians, Caesar had employed the power of the people themselves, who in their assembly had issued a mandate in the form of a law which the Senate would not have approved. His policy was to establish at Rome such a form of democratic government, similar to those of Greece, which

Caesar fol-
lows in the
footsteps of
his uncle
Marius.

²⁵ The wits said it was the administration of Julius and Caesar.

²⁶ Appian, *B. C.*, ii, 13; Dion, xxxviii, 7; Suet., *Caes.*, 20.

²⁷ *Pro Cael.*, xxiv, 59.

could and would act directly through a popular assembly unhampered by senatorial interference. In order to give stability to such a system it was necessary to maintain a permanent and reliable majority in the assembly, and with that end in view Caesar drew together under the leadership of Clodius, elected tribune by his influence, the worst elements of the population, who were to be marshaled in his absence as a fighting force against the middle and upper classes.

Clodius his
electoral
agent.

Thus armed as the departing consul's electoral agent, Clodius was soon to enter upon a year of power, determined to use it as the instrument of his deadly hate against Cicero, who had been assured by Pompey that Clodius had promised the triumvirs to take no steps against him.²⁸ As early as December 10, in the year 59 B.C., Caesar's political manager began to strengthen himself with the masses by introducing a series of popular measures, certainly approved by his chief, the first of which proposed to provide absolutely free corn to poor citizens; the second, to grant to the working classes at Rome complete freedom of association.²⁹

Not until his hands had been strengthened by the adoption of these measures did the all-powerful demagogue attempt to wreak his vengeance on the destroyer of Catiline. His first move was made early in the year 58 B.C., when the consuls were Caesar's father-in-law, Piso, and Pompey's follower, Gabinius, whose characters had been painted in the darkest colors by Cicero. He defined the present situation exactly when he wrote: "Granted that the power of the Senate was unpopular, what do you think it will be now, when it has been reduced to three men who acknowledge no check?"

²⁸ *Ad Att.*, ii, 20; xxii, 2.

²⁹ Lange, *R. A.*, vol. iii, pp. 289ff.

With the game thus completely in his own hands, Clodius came forward suddenly with a retroactive law,³⁰ in which Cicero was not named, providing "that whoever has put to death a Roman citizen uncondemned in due form of trial, shall be interdicted from fire and water." This bill of pains and penalties, in the nature of a bill of attainder, was called a *privilegium*, that is a law of special and not general application. The victim of such a bill was banished by implication from all communion with his fellow-citizens—its object being to drive him into exile without the chance of an appeal to the people. While conducting his agitation for such a law, Clodius called a *contio* outside the walls so that Caesar, who was there in command of his legions, might attend and express his views as to Cicero's conduct during his consulship. He said in answer to questions on that subject that, while he condemned, as he had always done, the illegality of the executions of Catiline's confederates, as the matter had long passed, he was opposed to harsh and retroactive punishments.³¹

Bill of pains and penalties against Cicero offered.

Caesar and Pompey evasive.

All appeals to Pompey were equally unavailing. When his friend prostrated himself at his feet in his villa near Albano, he said that he could do nothing against the will of Caesar;³² that as a private citizen he could only refer those who appealed to him on this subject to the consuls. The only hope left was in an appeal to the sympathy of the people, and with that end in view Cicero humbled himself by passing through the streets in mourning supported by the whole equestrian class garbed in the same fashion—twenty thousand of the noblest youths in Rome

Cicero's appeal to the people.

³⁰ Livy, ciii; Dion, xxxviii, 14; Vell., ii, 45; Sihler, p. 205.

³¹ Dion., xxxviii, 17; Plut., *Cic.*, 30, 4.

³² *Ad Att.*, x, 4.

changing their dress as a manifestation of sorrow and affection.

The counterblast was an edict from the consuls forbidding public mourning. The Senate then passed a resolution that the whole house should put it on; and when the sympathetic processions passed through the streets the ruffians of Clodius assailed them with mud and stones. Under such conditions Lucullus alone advised him to remain and face the issue;³³ if necessary, backed by his friends, to fight in the streets with the armed mobs of Clodius. But wiser friends, such as Cato and Hortensius, advised him to go away for a time, confident in the hope that in a few days he would return in triumph. Before yielding to such counsels, he took from his house a valued statuette of Minerva, goddess of wisdom as well as of war, carried it to the Capitol, and there set it up with the inscription, "guardian of the city."³⁴

Seeks safety
in flight.

It was late in March when he left Rome, accompanied beyond the walls by tearful friends who assured him that he would soon be recalled. On the same day Clodius presented a bill in the assembly interdicting Cicero by name from fire and water, and providing that no one should receive him in his house within five hundred miles of Italy, a proviso changed to four hundred before the bill passed into law.³⁵ It was further enacted that if he should be seen within the forbidden limits, he, with all who gave him shelter, might be killed with impunity. After being branded as a traitor to the commonwealth,

Bill passed
and property
destroyed.

³³ *Ad Att.*, iii, 15; *Ad Fam.*, xx, 4.

³⁴ *Minervae Custodi Urbis*.

³⁵ The first section ran: "Is it your pleasure, and do you enact, that M. Tullius has been interdicted from fire and water?" See *Pro Domo Sua*, 18, 47, as to the use of the perfect tense in the second or declaratory act, which proceeded upon the assumption that Cicero had been outlawed by the terms of the first law, and that he had acknowledged his guilt by going into exile.

his great mansion on the Palatine was given to the flames, and soon afterward his Formian and Tusculan villas were sacked and laid waste. Thus a great Roman, who had only a short time before saved the life of the state, was outlawed and driven into exile by the mandate of the ancient popular assembly instigated by a clever and dissolute demagogue who was the electoral agent of statesmen of the new type who owed him their sympathy and protection. In speaking of the populace Cicero once said: "There are no sagacity, no penetration, no powers of discrimination, no perseverance in the common people; the wise have always regarded their acts rather to be endured than to be praised."³⁶

Mandate of
popular
assembly.

The exiled statesman, the spoiled child of fame and fortune, was now to prove to the world that Seneca was right when he said: "There is no one more unfortunate than the man who has never been unfortunate, for it has never been in his power to try himself."³⁷ If Cicero had been trained in the hard school of adversity he would have consoled himself with the thought that, while the popular assembly had driven him like a wild beast from home and country, the Senate had, by a special decree, given him a *libera legatio* which entitled him to travel with all the pomp and circumstance of an ambassador. He was thus free to roam in state through his beloved Greece and there accept the public honors the Greek cities were eager to bestow upon him. But like Rachel mourning for her children, he refused to be comforted; he refused to believe, with Ovid, that even in Greece, "The place makes banishment more bearable."³⁸ With that

Cicero
in exile.

His *libera*
legatio.

³⁶ *Pro Plancio*, 4.

³⁷ "Nihil infelicitus eo, cui nihil unquam evenit adversi, non licuit enim illi se experiri." — *De Provid.*, iii.

³⁸ "Mitius exilium faciunt loca." — *Ep. ex Pont.*, ii, 7, 63.

passionate fondness that bound the ancients to their cradle spot, he preferred to feel with Euripides: "But yet it is a sad life to leave the fields of our native land."³⁹

As the four-hundred-mile limit contained in the Clodian law made it imperative for him to depart in haste from the soil of Italy, he made his way toward Sicily, writing on the way to Atticus: "I know that the journey is a vexatious one, but my calamity is full of all kinds of trouble. More I cannot write; I am so distressed and cast down."⁴⁰ When he was forbidden to go to Sicily he sought Brundisium as the most convenient port from which he could cross to Greece. There, while sheltered by a Roman knight, Flaccus, in defiance of the Clodian law, he wrote his first letter to Terentia:

Forbidden
Sicily, he
went to
Greece.

First letter
to Terentia.

Would that I had been less desirous of life! assuredly I should have seen nothing, or at all events not much, of misery in life. But if fortune preserves to me the hope of recovering any of the blessings I have lost, I have been less guilty of error [referring to suicide, no doubt]; but if these evils admit of no change, still I wish to see you, my life, as soon as possible, and die in your embrace.⁴¹

To Atticus, who had counseled him against suicide, he wrote:

His
lamentation
to Atticus.

As to your many fierce objurgations of me for my weakness of mind, I ask you, what aggravation is wanting to my calamity? Who else has fallen from so high a position, in so good a cause, with so large an intellect, influence, popularity, with all good men so powerfully supporting him, as I?⁴²

³⁹

Ἄλλ' ὅμως

Ὀλκτρός τις αἰὼν πατρίδος ἐκλιπεῖν ὄρουσ. — *Fr. Aiol.*, 23.

⁴⁰ *Ad Att.*, iii, 2.

⁴¹ *Ad Fam.*, xiv, 4.

⁴² *Ad Att.*, iii, 10.

Again he says:

I have lived, I have had my prime; it is not a fault of mine, it is my very merit that has overthrown me. I have nothing to censure myself for, except that I have not thrown away life together with its equipment. But if it is best for my children that I should live, let me endure the rest, though it is unendurable.⁴³

Certainly Plutarch and those who support him in the contention that Terentia was an imperious and oppressive shrew are put upon the defensive when we read such a tender outburst as this:

Lost and afflicted as I am, why should I ask you to join me? You a woman, weak in health, worn out in body and mind! Yet must I not ask you? Can I then exist without you? Be assured of this, if I have you I shall not think myself wholly lost. But what will become of my darling Tullia? Do you both see to it. I can give no advice. And my Cicero, what will he do? I cannot write more—my grief prevents me. I know not what has become of you—whether you still keep anything or have been utterly ruined. Farewell, my Terentia, my most faithful and best of wives! and my dearest daughter, and Cicero, our only remaining hope!⁴⁴

Tender outburst to wife and children.

At the end of April the exile sailed from Brundisium and, after a stormy passage, arrived at Dyrrachium on the opposite coast, where he was hospitably received by the people whose patron he had been at Rome. But, fearing to remain in the neighborhood of Autronius and other followers of Catiline there in exile, he determined to move on to Macedonia where his friend Cnaeus Plancius was praetor. Accompanied by Plancius he arrived, on May 23, in Thessalonica on the Thracian Sea, where he remained for seven months. About this time his brother Quintus, who was governor of Asia, was returning to Italy from his province under serious apprehension

From Dyrrachium to Macedonia.

Seven months at Thessalonica.

⁴³ *Ad Fam.*, xiv, 4.

⁴⁴ *Ibid.*, xiv, 4.

of an indictment for provincial misgovernment. In order to comfort his brother, who had been sorely distressed because some of his slaves had reached him without letters, Marcus wrote to him on June 15, saying:

Letter to
Quintus.

To think that you feared that out of anger I sent a messenger to you without a letter, or that I even did not wish to see you! That I should be angry with you! Could I be angry with you? Yes! I was unwilling to be seen by you. For you would not have seen your brother—not him whom you had quitted; not him whom you had known; not him whom you left in tears at your departure, when you were yourself in tears—not even a trace of him—not a shadow, but the image of a breathing corpse.⁴⁵

In September Cicero made up his mind to go to Epirus, the residence of his wise and faithful friend Atticus, whose ability to help him had been increased by a great inheritance of ten million sesterces (\$440,000) from his stingy old uncle Caecilius.⁴⁶ He arrived at Dyrrachium on November 26, and on that day wrote to Atticus:

To Atticus
and Terentia.

Though my brother Quintus and Piso have given me a careful account of what has been done, yet I could have wished that your engagements had not hindered you from writing fully to me, as has been your custom, what was on foot and what you understood to be the facts. Up to the present, Plancius keeps me here by his generous treatment, though I have several times made an effort to go to Epirus.⁴⁷

On the same day he wrote to his wife:

To think that a woman of your virtue, fidelity, uprightness, and kindness should have fallen into such troubles on my account! And that my little Tullia should reap such a harvest of sorrow

⁴⁵ *Ad Quint. Frat.*, i, 3.

⁴⁶ *Nep., Att.*, 5. Cicero greets Q. Caecilius Pomponianus Atticus, son of Quintus, in a letter written at Thessalonica, October 4 (*Ad Att.*, iii, 20). According to custom, Atticus took his uncle's *praenomen* and *nomen*, Q. Caecilius, retaining his own *nomen* in an adjectival form (Pomponianus) as a *cognomen*.

⁴⁷ *Ad Att.*, iii, 22.

from the father from whom she used to receive such abundant joys!⁴⁸

That he had not lost all hope is made plain by that part of the same letter in which he says, "If we have all the tribunes [for 57 B.C.], if Lentulus is as devoted as he seems, if indeed we have even Pompey and Caesar, there is no need of abandoning hope." The first year of his exile closed with a visit from Atticus who, leaving Rome in December for his country seat in Epirus, stopped on the way to pay Cicero a visit at Dyrrachium.

Visit from
Atticus.

The new year, 57 B.C., opened in such a way as to prove that there was "no need of abandoning hope"; the deputations that came to Rome from every part of Italy to plead for his return made it plain that the tide had turned. Practical manifestation of that fact was given when the new consuls, Lentulus and Metellus, supported by Cotta, moved in the Senate, the moment after their inauguration, that Cicero should be recalled. When, however, they suggested that as the proceedings against him had been entirely illegal, no fresh law enabling him to return was necessary, Pompey very properly suggested that an edict of the people (*lex*) was necessary to give legality to what the Senate had done.

New year,
57 B.C.,
brought hope.

Motion for
recall.

When an effort was made to pursue that course, one of the tribunes interposed his veto, and in that way the bill was not submitted to the assembly until January 25, when Clodius was ready with his ruffians to raise a riot in order to prevent a vote. Before the riot was over many lives were lost; the tribune Serranus was severely wounded, and Quintus Cicero left for dead on the ground. Nothing could more vividly illustrate the convulsions in which the Roman Republic died than the following de-

⁴⁸ *Ad Fam.*, xiv, 1.

scription of the Roman mob that defied and set aside the constitution at the moment when the Senate, the two consuls, all the tribunes except one, Pompey and Caesar, backed by all Italy were clamoring for Cicero's recall:

Description of a Roman mob.

When we speak of the Roman mob, we must not forget that it was much more frightful than our own, and was recruited from more formidable elements. Whatever just dismay the populace that emerges all at once from the lowest quarters of our manufacturing cities, on a day of riot, may cause us, let us remember that at Rome this inferior social stratum descended still lower. Below the vagabond strangers and starving workmen, the ordinary tools of revolutions, there was all that crowd of freedmen demoralized by slavery, to whom liberty had given but one more means for evil doing; there were those gladiators, trained to fight beast or man, who made light of the death of others or themselves; there were still lower those fugitive slaves, who were indeed the worst of all classes, who, after having robbed or murdered at home, and lived by pillage on the road, came from all Italy to take refuge and disappear in the obscurity of the slums of Rome, an unclean and a terrible multitude of men without family, without country, who, outlawed by the general sentiment of society, had nothing to respect as they had nothing to lose. It was among these that Clodius recruited his bands.⁴⁹

Fundamental vice in Roman constitution.

In describing the combats that often took place during electoral contests when such bands were abroad, Cicero says in his exaggerated style that: "The Tiber was full of corpses of the citizens, the public sewers were choked with them, and they were obliged to mop up with sponges the blood that streamed from the Forum."⁵⁰ The fundamental difficulty was that the Roman constitution in the days of the Republic vested the supreme powers of the state in a one-chamber popular assembly unrestrained by any of the checks and balances by which democracies are

⁴⁹ Bossier, *Cicero and His Friends*, pp. 211-12, A. D. Jones's trans.

⁵⁰ *Pro Sext.*, 35.

bridled in the modern world. Tacitus affirmed in advance that such a fabric as the English constitution was impossible in practice when he said:

In all the nations the supreme authority is vested either in the people, the nobles, or a single individual. A constitution composed of these three simple forms may, in theory, be praised, but can never exist in fact, or if it should, it will be of short duration.⁵¹

The only safeguard of the constitution of the Roman Republic was in the moderation, the patriotism, the sense of law of the citizen body in which the sovereignty was vested. When that citizen body was converted into a lawless body the Republic perished, simply because there were no longer any citizens upon whom it could depend.⁵²

Only safeguard in the people themselves.

Despite the earnest and persistent efforts of Pompey, Lentulus, Servilius, and other distinguished men, backed by the whole power of the Senate, Clodius, backed by his publicly organized ruffians, was able to prevent the passage of the necessary law until August 4,⁵³ when it was carried with scarcely a dissenting voice by a great popular assembly voting in their centuries in the Campus Martius, where Clodius was at last contemptuously set aside. On that very day Cicero left Dyrrachium, landing at Brundisium on August 5, the birthday of his darling Tullia,⁵⁴ who, just widowed by the death of the faithful Piso, was there to welcome him. The twenty-four days consumed in the journey to Rome was a triumphal procession, an unbroken ovation.

Necessary law passed August 4, 57 B.C.

Triumphal procession to Rome.

⁵¹ *Ann.*, iv, 33.

⁵² "For a very long time," says Appian, "the Roman people was only a mixture of all the nations. The freedmen were confounded with the citizens, the slave had no longer anything to distinguish him from his master. In short, the distributions of corn that were made at Rome gathered the beggars, the idle, the scoundrels from all Italy."—*De Bell. Civ.*, ii, 120.

⁵³ The *lex Cornelia*, proposed by Cornelius Lentulus.

⁵⁴ *Ad Att.*, iv, 1.

Plutarch says it was no exaggeration, yea, less than the truth, when Cicero declared that he was carried back to Rome on the shoulders of Italy.⁵⁵ As he approached the city in September the Senate came to welcome him beyond the walls; he was placed in a gilded chariot waiting to receive him outside the gate; and as he passed through the Forum along the Via Sacra to the Capitol the entire population went out to receive him. To use his own words, "It seemed that all the city was drawn from its foundations to come and salute its liberator."⁵⁶

One day
equivalent to
immortality.

Is it strange that at such a moment a nature so emotional should have cried out: "I do not feel as though I were simply returning from exile; I appear to myself to be mounting to heaven"? Let us heartily enjoy with him that one day equivalent to immortality (*immortalitatis instar fuit*), when all the popular societies of Rome were pouring congratulatory addresses upon him. Let us banish the thought of hypocrisy; let us not say with Juvenal:

Who could endure the Gracchi if they were to rail at the seditious mob? Who could not confound heaven with earth and sea with heaven, if Verres were to pretend to hate a thief, Milo a murderer? if Clodius were to decry adultery, Catiline accuse Cethegus of factious views? if Sulla's three pupils were to declaim against Sulla's proscriptions?⁵⁷

Cicero was forced to descend rapidly from his heavenly heights; he was forced to realize that he had made no mistake when he said:

As the sea, which is calm when left to itself, is excited and turned up by the fury of the winds, so, too, the Roman people, of itself placable, is as easily roused by the language of demagogues as by the most violent storms.⁵⁸

⁵⁵ *Cic.*, xxxiii.

⁵⁶ *Ad Att.*, iv, 1.

⁵⁷ *Sat.*, ii, 8.

⁵⁸ *Pro Cluent.*, 49.

His remorseless and resourceful enemy Clodius was ready and waiting for him at the head of the rabble that had ruled during the three years of anarchy which followed the seizure by the triumvirate of the government of the Republic. But before he was called upon to renew the fight with Clodius, he appeared in the Senate on September 5, the day after his return, where he offered the profoundest thanks to his friends and the bitterest abuse to his enemies, attacking with special violence Gabinius and Piso, nominees of Pompey and Caesar, who had been consuls during the preceding year. On the same day he addressed the people in the Forum in a speech (a *contio*) known as the oration *Ad Quirites*, expressing the same general line of thought, but in a more moderate vein. The undertone of both discourses was embodied in the assurance that the safety of the Republic which had been endangered by his absence was made secure by his return:

Clodius
ready to re-
new the fight.

Speech in
the Senate,
September 5.

Oration
Ad Quirites.

Therefore, when I was absent, the Republic was in such a state that you thought that I and it were equally necessary to be restored. But I thought that there was no republic at all in a city in which the Senate had no influence—in which there was impunity for every crime—where there were no courts of justice, but violence and arms bore sway in the Forum—where private men were forced to rely on the protection of the walls of their houses, and not on that of the laws. Therefore, after the Republic was banished, I thought that there was no room for me in this city; and if the Republic was restored, I had no doubt that it would bring me back in its company.⁵⁹

Upon the heels of these orations came the famine riots⁶⁰ in which armed and trained bands of desperadoes

The famine
riots.

⁵⁹ *Ad Quirit.*, 6.

⁶⁰ There had been a deficiency of grain in the provinces, especially in Sicily, from which Rome drew her main supply.—*Ad Att.*, iv, 1. The streets, even the Forum, were so insecure that Cicero did not dare to stir abroad.

led by Clodius went to the Capitol and attacked the senators with stones. In the midst of such scenes Cicero proposed that a law should be submitted to the people giving to Pompey for five years the absolute power to regulate the importation of grain from every part of the world, a measure so enlarged before its adoption as to give the great one unlimited funds, a fleet, an army, and such authority over the provinces as would supersede that of their actual governors.⁶¹

Cicero turned from the aristocracy to the triumvirs.

In that way Cicero, who began by attempting to steer a middle course between his old allies, the aristocracy, and the triumvirs, now turned to the latter, despite the recent cruelties he had suffered at their hands, as he was advised to do by the shrewd Atticus and his brother Quintus. The aristocracy could never forgive him for being a "new man," a fact emphasized by the coldness with which they had received the enthusiastic demonstrations by which he had been honored upon his return, and by the stingy spirit in which they proposed to compensate him for the losses of his property. He was also made to feel that he was an object of envy; he said "those who have clipped my wings are sorry to see them grow again."

In the midst of these mental perplexities Cicero was still pursued by Clodius who, after destroying his house on the Palatine,⁶² had hoped to keep the owner out of possession of the ground by building upon it a temple dedicated to Liberty, levelling at the same time the adjoin-

⁶¹ *Ad Att.*, iv, 1.

⁶² The house of Clodius, near to that of Cicero on the Palatine, was more magnificent, having cost, it is said, the enormous sum of 14,800,000 sesterces, or about £130,000. Its owner had adorned it with Greek paintings and statues. — *Plin.*, *N. H.*, xxxvi, 24, §2; *Cic.*, *Pro Dom.*, 43. The house of Cicero was a little lower down the hill, a circumstance which explains his threat to increase its height, so as to shut out Clodius from a view of the city: "Tollam altius tectum, non ut ego te despiciam, sed ne tu aspicias, urbem eam, quam detere voluisti." — *De Harusp. Res.*, 15.

ing portico of Catulus, a monument of his victory over the Cimbrians. As the land had been thus dedicated *ad pios usus*, a question was made for the decision of the college of pontiffs, to which Cicero addressed in September, 57 B.C., the oration known as *Pro Domo Sua*, which he considered his very best effort—a brilliant retrospect full of invaluable historical data intermingled with burning invectives against those who had wronged him. As the main question turned upon the legality of the consecration, the pleader attempted to establish illegality by proving that the illegally elected tribune Clodius could not consecrate anything. That point of law the college left to the Senate by deciding simply that if he who performed the office of consecration was not legally authorized to do so, then the area in question should be returned to Cicero,⁶³ who was indemnified by a senatorial decree that his damage should be born by the state and his house rebuilt at the public expense.

Oration *Pro Domo Sua*.

Main question not decided.

When, in January, 56 B.C., the *comitia* elected aediles, among the winners was Clodius, who was quick to suggest, in a harangue to the people, after the college of soothsayers had declared that some deity had been offended because consecrated places had been devoted to profane uses,⁶⁴ that the real culprit was Cicero who had pulled down the temple of Liberty on the site upon which his new house was being erected. When the Senate, thus prompted, resolved that the consuls should bring in a bill on the subject of sacred places, Cicero delivered the ora-

Oration *De Haruspicum Responsis*.

⁶³ The pontiffs said: "If neither by a command of the free burghers, in a lawful assembly (*populi jussu*), nor by *plebiscite*, he who avers that he dedicated the site to religious uses had specific authority given him to do so, and has done it without such authority, we are of opinion that that part of the site which has been so dedicated may, without any violation of religion, be restored to Cicero." — *Ad Att.*, iv, 2.

⁶⁴ Lange, vol. iii, p. 329.

tion known as *De Haruspicum Responsis*, in which, after tearing to tatters the dreadful past of the brother of the Clodias, he exhorted all citizens of every class to put aside their mutual animosities as the best means of regaining the favor of the gods and their former prosperity. Despite his recent attempt to murder him in the streets, Clodius had not cowed Cicero. He said in the speech in question:

But my hatred for Clodius is not greater this day than it was then, when I knew that he was scorched as it were with those holy fires, and that he had escaped in female attire from the house of the Pontifex Maximus, after attempting an act of atrocious licentiousness.

That Pontifex Maximus was now Rome's most conspicuous general at the head of legions in Gaul, where he was trying to eclipse the military fame of Pompey by adding vast areas beyond the Alps to the Empire. This was a critical moment in Caesar's career. He had been alarmed by reports that had reached him of the possible repeal of his agrarian law; of a growing feeling of hostility against the coalition; and above all he was eager to have his command renewed for five years. A proposition had been made in the Senate to recall Piso and Gabinius from their proconsular provinces, and that Caesar should also be deprived of the government of the two Gauls which were to be assigned to the new consuls elect.

On April 5, Cicero himself had moved that on May 15 the Senate, if there was a full house, should discuss Caesar's Campanian land law. And so, when he met Caesar at Luca, where the alliance between the three self-constituted rulers of Rome was renewed, the latter expressed his resentment in these terms, which Cicero has preserved for us:

A critical moment in Caesar's career.

Meeting at Luca with Cicero.

There Caesar complained much of my motion [of April 5], for he had previously also seen Crassus and had by him been inflamed against me. It was indeed a well-established fact that Pompey was seriously displeased with it, which I, while I had heard it from others, learned particularly from my brother. When Pompey met him [in Sardinia] a few days after leaving Luca, he said, "You are the very man I want to see, nothing more suitable could happen: unless you confer earnestly with your brother Marcus, you must pay what you have pledged for him." Why make a long story of it? He, Pompey, complained bitterly, called to mind his own services, his frequent conferences with my brother himself concerning the acts of Caesar, and guaranties which he [Quintus] had given to him [Pompey] about myself: all this he called to mind.⁶⁵

Under such pressure Cicero, seriously embarrassed by financial difficulties, clearly understood that his old friends in the Senate would do little or nothing to help him. Alluding of course to Pompey and Caesar, he says in one of his letters:

Since those who have no power will not be my friends, let me try to be friends with those who have the power.

Who turned
to Pompey
and Caesar.

He adds:

I see clearly now that I have been only an ass [*scio me asinum germanum fuisse*]. But it is now time for me to take care of myself, since I cannot in the least rely on their friendship.⁶⁶

That he felt keenly the humiliation of his position we know from that letter to Atticus in which he says:

For what is worse than our life? Especially mine! For you, indeed, although you are by nature "political," are tied to no party nor bound to public servitude. You enjoy merely the general name of statesman. What grief, however, must I feel? I, who if I say what I ought about politics, am thought mad; if what is expedient, servile; if I keep silence, utterly done for and laid on the shelf. And the worst of it is that I dare not express my grief lest I should appear ungrateful.

His feeling of
humiliation.

⁶⁵ *Ad Fam.*, i, 9. Cf. Sihler, p. 233.

⁶⁶ *Ad Att.*, iv, 5.

He once said:

To yield to the times, that is, to obey necessity, has always been regarded as the act of a wise man.

Such were the conditions under which Cicero, early in June, 56 B.C., spoke in Caesar's favor in the Senate in the oration known as *De Provinciis Consularibus*, when his recall, as well as that of Piso and Gabinius, was in question. Turning savagely upon the provincial administration of the last two, after declaring that he would not permit his desire for personal revenge to influence his public duty, he said:

Oration *De
Provinciis
Consulari-
bus*, June,
56 B.C.

Do you not think that you ought to recall those men from their provinces, even if you had no one to send in their places? Would you, could you retain there these two pests of the allies, these men who are the destruction of the soldiers, the ruin of the farmers of the revenue, the desolators of the provinces, the disgracers of the Empire?

When taunted by the suggestion that he should be no more hostile to Gabinius than to Caesar, he answered that he must not put his personal wrongs before the public welfare.

A most important war [he said] has been waged in Gaul; very mighty nations have been subdued by Caesar; but they are not yet established with laws, or with any fixed system of rights, or by peace which can be thoroughly depended on. . . . If a successor is appointed to him, there is great danger that we may hear that the embers of this momentous war are again fanned into flame and rekindled. . . . Even that great man, Caius Marius, whose godlike and amazing valor came to the assistance of the Roman people in many of its distresses and disasters, was content to check the enormous multitudes of Gauls who were forcing their way into Italy, without endeavoring to penetrate himself into their cities and dwelling-places. . . . Nature had previously protected Italy by the Alps, not without some especial kindness of the gods

providing us with such a bulwark. For if that road had been open to the savage disposition and vast numbers of the Gauls, this city would never have been the home and chosen seat of the empire of the world.⁶⁷

Caesar kept his command in Gaul, while Pompey and Crassus became consuls for the following year, 55 B.C., the two Spains and Africa being assigned to the former, and Syria to the latter. But Pompey's provinces were left to his legates; and as the year 54 B.C. brought with it a renewal of the riots, the Senate, backed by all the better elements, prevailed upon him to remain at home in order to preserve order by his influence.

Caesar kept his command — Pompey and Crassus consuls for 55 B.C.

Crassus went to his province; and in the summer of the year 53 B.C. the news fell upon Rome like a thunderbolt that he with a great part of his army had perished in the sands beyond the Euphrates, victims to the archery of the wily Parthians.⁶⁸ With the father fell the son Publius who was a member of the college of augurs. To that vacant and long-coveted office Cicero was now named by Pompey and Hortensius,⁶⁹ holding it during the last decade of his life, and giving to its traditions serious study, despite the mass of forensic business which recent years had cast upon him.⁷⁰

Death of Crassus in 53 B.C.

Cicero chosen augur.

The news of Caesar's victories had made a profound impression at Rome, because they were discoveries as well as victories. This consummate politician and man of the world, with a brilliant talent for letters, who resolved at forty-four to outshine Pompey as a military leader, had during the six years that intervened between 58 and 52 B.C. conquered the Helvetii at Autun; cut the Germans

Profound impression made at Rome by Caesar's victories.

⁶⁷ *De Provinciis Consularibus*, viii, 13, 14.

⁶⁸ Plut., *Crass.*, xxxiii; Dion, xl, 25.

⁶⁹ *II Phil.*, 2.

⁷⁰ See *Ad Fam.*, xv, 4.

under Ariovistus to pieces near Mühlhausen; scattered the Belgae to the winds; conquered the Veneti; built a bridge across the Rhine, making that river the boundary of the Empire; and, above all, had impressed so profoundly the language, laws, and institutions of Rome upon the conquered as to give a Roman form to the civilization of France which has survived until the present time.

Two invasions of Britain and the *Commentaries*.

Quintus in Caesar's camp.

As incidental achievements may be mentioned Caesar's two invasions of Britain and the writing of his immortal *Commentaries*, relating in seven books the history of the first seven years of the Gallic war, composed, no doubt, in the course of his campaigns, and probably cast in their present form during his stay in winter-quarters.⁷¹ Among Caesar's lieutenants, called his tent-comrades (*contubernales*), were many cultivated men of letters, personal friends of Cicero, who kept up a constant communication with him as the official patron of literature at Rome.⁷² In the midst of that coterie was his own brother Quintus who had such a passion for poetry that, during the winter in which he was fighting the Nervii, he composed four pieces in sixteen days.

But the most literary man of them all was the great general himself, who, according to Fronto, "busied himself with the formation of words while arrows were cleaving the air, and sought the laws of language amid the din of clarions and trumpets." It was Caesar's literary taste that made him eager for Cicero's friendship, knowing, of course, his power over public opinion, and the value of his eloquent words when sounding the praises of his great

⁷¹ It is now agreed that the *Commentarii de Bello Gallico* were published in 51 B.C.

⁷² Cicero made no mistake when he said one day to Caesar: "After our time there will be great debates about you, as there have been among ourselves." — *Pro Marcello*, ix.

achievements. In addition to his brother, Cicero had also his friend Trebatius near Caesar; and his letters to them, which introduce us further into the private life of the conqueror of Gaul, supplement the *Commentaries*. Cicero had sent Trebatius to Caesar with a cordial letter of recommendation in which he said:

Also Cicero's friend Trebatius.

I do not ask of you the command of a legion, or a government for him. I ask for nothing definite. Give him your friendship, and if afterward you care to do something for his fortune and his glory I shall not be displeased.⁷³

In the midst of his great affairs Caesar joked with his friends and permitted them to write to him "familiarly and without subserviency," his answers being "full of politeness, kind attention, and charm."

Such were the relations between Cicero and Caesar when the time came for the latter to draw away from Pompey, who affected a haughty and imperious tone that tended to alienate everybody. The first break came when in September, 54 B.C., Julia, the daughter of Caesar and the wife of Pompey, died. After the death of Crassus in the following year it became manifest that Pompey was drawing nearer to Cato as an ally, and was becoming more disposed to act as the champion of the Senate, regardless of Caesar. That tendency was strengthened by the growth of anarchy and confusion at Rome, which prompted even strict constitutionalists like Cicero to speak of the necessity for investing Pompey with something like a dictatorship for the preservation of order.⁷⁴

Break between Caesar and Pompey when Julia died.

The year 52 B.C., which opened without consuls, and with the murder of Clodius by Milo, precipitated that result when, as heretofore pointed out in the account given of the trial of Milo, Pompey became the "savior of

Pompey, "savior of society," as sole consul.

⁷³ *Ad Fam.*, vii, 5.

⁷⁴ *Plut., Pomp.*, 54; *Ad Quint. Frat.*, iii, 8.

society," by an election as sole consul, his provincial command being at the same time prolonged for five years, and fresh troops assigned him.⁷⁵

Thus Pompey was actually drawn into a close alliance with that powerful party in the Senate which, alarmed by the rise of Caesar, was determined to force Pompey to lead the attack upon him which could not be made without him.

The inevitable conflict.

From that time down to the beginning of the civil war a collision became inevitable, despite Caesar's efforts to avert it, between the two rival statesmen of the new type—"the type of a military chief at the head of a devoted army which he controls by his money and by the sword."

Cicero pro-consul of Cilicia for 51 B.C.

Under a law which Pompey had revived as to proconsular governments—providing that no ex-consul could assume such a command until after the expiration of five years measured from the end of his term; and that, in the meantime, the provinces should be administered by those who had not held such posts—Cicero was forced to accept⁷⁶ the proconsulate of Cilicia for the year 51 B.C., leaving Terentia behind, and taking with him his brother Quintus as legate, and the Greek grammaticus Dionysius as tutor to his son and nephew.⁷⁷ He went away owing Caesar 800,000 sesterces, the payment of which he entrusted to Atticus;⁷⁸ and on the way to Brundisium he spent three days with Pompey. "I left him," he says, "in an excellent frame of mind, and thoroughly prepared to ward off the danger that is feared"⁷⁹—referring, no

⁷⁵ Plut., *Pomp.*, 56; App., *B. C.*, ii, 24.

⁷⁶ "Contra voluntatem meam et praeter opinionem." — *Ad Fam.*, iii, 2.

⁷⁷ *Ad Att.*, v, 3; v, 9.

⁷⁸ *Ibid.*, v, 1.

⁷⁹ *Ibid.*, v, 7.

doubt, to a possible collision between the Senate and Caesar.

He arrived at Athens on June 25, after an absence of about twenty-eight years, and at Laodicea on July 31, dating from that day his term which he hoped would not last more than a year. In a letter expressing his longings for the Forum, his home and friends, he told Atticus that "the saddle had been put on the wrong horse."⁸⁰ It was his good fortune to succeed Appius Claudius, a most rapacious ruler, who had nearly ruined the province by monstrous conduct, which Cicero told Atticus was less like that of a man than that of a beast.

Arrived at Athens after an absence of twenty-eight years.

In the midst of the ruin thus wrought he resolved to be so considerate of the suffering provincials as not to exact even his legal perquisites, thus winning for himself unbounded popularity. If in home politics he was at times wavering and irresolute, his conspicuous honesty and humanity in the midst of great temptations place him above all the provincial administrators of his time. The provincials found in him such a ruler as they had never known before, because he recognized the fact that "Nothing is more praiseworthy, nothing more suited to a great and illustrious man than placability and merciful disposition." Such nobleness was gravely belittled, however, by an unbecoming thirst for military glory which grew out of his besetting sin, vanity, after some decided successes had been won over the Parthians through operations carried on chiefly by his brother Quintus, who was an experienced soldier. Everything was reported with great pomp to the Senate in the hope that first supplications in honor of victory and finally a triumph would follow, the

Conspicuous honesty and humanity.

Thirst for military glory.

⁸⁰ *Ad Att.*, 5, 15: "Clitellae bovi sunt impositae."

only honor he had not enjoyed. Only a *supplicatio*,⁸¹ or thanksgiving in honor of his successes, was decreed; and that was postponed until the following year.

His greatest longing, perhaps, was for his return, for which he was now preparing at the end of an administration so frugal that a surplus of 2,200,000 sesterces (about \$98,800) remained, as his strictly legal perquisites, beyond the sum voted by the Senate for his expenses. That sum, deposited with Roman bankers at Ephesus,⁸² was loaned to Pompey, and lost in the civil war, then looked for within a year. Caelius wrote:

The issue between Caesar and Pompey.

This is the issue about which the men who have control of the government are going to fight, viz., because Pompey has resolved not to suffer it that Caesar shall become consul in any other way but that of surrendering army and provinces. But Caesar is convinced that he cannot be safe if he leaves his army: still he offers the terms that both shall surrender their armies.⁸³

Cicero, returning, meets Pompey.

With that prospect ahead of him Cicero began his journey homeward, stopping at Rhodes, where he heard of the death of his old friend and rival Hortensius, and at Athens where he received a letter only twenty-one days old⁸⁴ from his wife, Terentia. He arrived at Brundisium the last week in November; and on December 11, while traveling slowly northward, he met Pompey. "We were two hours together," he said. "Pompey was delighted at my arrival. He spoke of my triumph and promised to do his part. He advised me to keep away from the Senate till it was arranged, lest I should offend the tribunes."⁸⁵

⁸¹ Even Cato favored it. — *Ad Fam.*, xv, 6.

⁸² *Ad Fam.*, v, 20.

⁸³ *Ibid.*, viii, 14.

⁸⁴ *Ibid.*, xiv, 5. Reference may here be made to O. E. Schmidt's preliminary discourse prefixed to his edition of Cicero's correspondence from 51-44 B.C.: *Der Briefwechsel des M. Tullius Cicero von seinem Proconsulat in Cilicien bis zu Caesar's Ermordung*, Leipzig, 1893.

⁸⁵ *Ad Att.*, vii, 4.

On December 27, he had a second conference with Pompey at Formiae, who seemed to have neither hope nor desire for peace.

For he thinks thus: If Caesar be made consul, even after he was parted from his army, the constitution will be at an end. He thinks, also, that when Caesar hears of the preparations against him, he will drop the consulship for this year, to keep his province and troops.⁸⁶

Cicero reached the gates of Rome January 4, 49 B.C., remaining without for nearly two months in a state of doubt and hesitation.⁸⁷ The claim he was still making for a triumph gave him a valid legal excuse for that course which relieved him of the embarrassment at this critical moment that a seat in the Senate would have imposed upon him.

Reached the gates of Rome, January 4, 49 B.C.

After the death of Caesar's daughter Julia, Pompey allied himself more closely with the aristocracy by marrying into the noble family of the Metelli, and during his third consulship, with his father-in-law, Caecilius Metellus Pius, as a colleague, he strengthened his position and recovered lost ground by an energetic policy. As the tremendous crisis approached, he seemed to be both confident and defiant, expressing in his conference with Cicero at Formiae great contempt for Caesar as a military opponent.

Pompey's alliance with the aristocracy.

Contempt for Caesar's military genius.

Should he be so insane as to try extremities, Pompey holds him in utter contempt, I thought, when he was speaking, of the uncertainties of war; but I was relieved to hear a man of courage and experience talk like a statesman of the dangers of an insincere settlement. Not only he does not seek for peace, but he seems to fear it. My own vexation is, that I must pay Caesar my debt, and spend thus what I had set apart for my triumph. It is indecent to owe money to a political antagonist.⁸⁸

⁸⁶ *Ad Att.*, vii, 8.

⁸⁷ *Ad Fam.*, xvi, 11.

⁸⁸ *Ad Att.*, vii, 8.

Cicero reveals his doubts and fears to Atticus.

In Cicero's frequent letters to Atticus, written between the middle of December, 50 B.C., and the end of June, 49 B.C., we have a picture of the interior of his mind with all the doubts and hesitations that beset him at the moment when, by prejudice and conviction, he was inclined to follow Pompey, while debating with himself whether he would not be justified in submitting quietly to Caesar. In one of his speeches he said:

I deem it no proof of inconsistency to regulate our opinions as we do a ship and a ship's course on a voyage, according to the weather which might be prevailing in the commonwealth.⁸⁹

In one of his letters to Atticus written on his journey from Brundisium he says:

Since, however, things have come to such a pass, I will not ask, as you write, quoting the words of Homer, "Where is the ship of the Atridae?" That shall be my ship where Pompey holds the helm. As to what will happen when, as you say, I am called upon, "Speak, Marc Tully!" I will answer shortly, "I agree with Cnaeus Pompey." Privately, however, I will urge him to peaceful counsels. For my opinion is that we run the greatest hazard. You who are in the city know more than I do. However, I see this plainly, that we have to do with a man full of audacity, and thoroughly prepared.⁹⁰

Caesar's proposal at the beginning of 49 B.C.

The first question the new consuls for the year 49 B.C. presented to the Senate was whether a letter should be read, just brought by Curio from Ravenna to Rome from Caesar, who proposed to lay down his military command if Pompey would do the same, adding that if that condition was not complied with he would not be wanting in his duty to himself and his country. The consul Lentulus, backed by Metellus Scipio, the father-in-law of Pompey, after advocating bold measures, and declaring that Pom-

⁸⁹ *Pro Planc.*, 39.

⁹⁰ *Ad Att.*, vii, 3.

pey would defend the Republic if the Senate would follow him — proposed that Caesar should be ordered to disband his army by a certain day, and, in the event of failure, to be regarded as a traitor and rebel.

The other consul, Marcellus, advised that Caesar be not defied until an army could be raised by a levy en masse; and in order to prevent the pending motion from being carried, the newly elected tribunes, Marc Antony and Quintus Cassius, interposed their veto. But the delay was only for a moment. On January 6 there was another violent debate resulting in an ultimatum; the consuls, praetors, and tribunes were ordered to see that the Republic suffered no harm.⁹¹ On the next day the tribunes, Antony and Quintus Cassius, fled from Rome to Caesar, who, by the middle of the month, had crossed the Rubicon. With wonderful foresight Cicero had anticipated what actually happened when he wrote:

The ultimatum of January 6.

Or if perchance a tribune of the people blocking the Senate or rousing the people, having formally been branded by censure, either cut short by a resolution of the Senate or suspended, or deprived of his office, or claiming to have been deprived of his office, seek refuge with him.⁹²

The rapidity of Caesar's advance staggered and bewildered his foes. Instead of marching directly on the capital he secured the possession of the country by seizing first upon the heart of the peninsula, dashing through the upland valleys midway between the two seas, and in that way arriving at Rome as the undisputed master of Italy by the end of March.

Rapidity of Caesar's advance.

Pompey having failed to sustain Domitius Ahenobarbus at Corfinium, a strong position in the Apennines in Caesar's path, his only hope was in flight to the East, with its

Pompey's flight to the East.

⁹¹ *Caes., B. C., i, 5.*

⁹² *Ad Att., vii, 9.* Cf. Sihler, p. 301.

treasures, fleets, and millions of men which might still be organized for victory in the long run.⁹³ Before the fall of Corfinium Cicero wrote:

My convictions, personal and political, attach me to Pompey. If I stay behind, I desert my noble and admirable companions, and I fall into the power of a man whom I know not how far I can trust. . . . This is one side; but now look at the other. Pompey has shown neither conduct nor courage, and he has acted throughout against my advice and judgment. I pass over his old errors: how he himself armed this man against the constitution; how he supported his laws by violence in the face of the auspices; how he gave him Further Gaul, married his daughter, supported Clodius, helped me back from exile indeed, but neglected me afterward; how he prolonged Caesar's command, and backed him up in everything; how, in his third consulship, when he had begun to defend the constitution, he yet moved the tribunes to carry a resolution for taking Caesar's name in his absence, and himself sanctioned it by a law of his own; how he resisted Marcus Marcellus, who would have ended Caesar's government on March 1. Let us forget all this: but what was ever more disgraceful than the flight from Rome?⁹⁴

Regarded by
Cicero as
disgraceful.

By February 17, Pompey had begun to direct all his forces to move toward Brundisium; and, attended by the consuls, a majority of the Senate, and a long train of young patricians, the descendants of the Metelli and Scipios, abandoned Italy as untenable. In a letter to Pompey, Cicero said:

His appeal
to Pompey.

My advice was always for peace, even on hard terms. I wished you to remain in Rome. You never hinted that you thought of leaving Italy. I accepted your opinion, not for the constitution's sake, for I despaired of saving it. The constitution

⁹³ "A victory in the East means the personal supremacy of Pompey. We cannot agree with Cicero, who represents his flight from Italy as the result of a panic. No; it was a well-considered plan, which, on the whole, was the only plan likely to secure for Pompey a position like that which Caesar actually attained." — Tyrrell, *Cicero in His Letters*, vol. iv, p. 117.

⁹⁴ *Ad Att.*, viii, 3.

is gone, and cannot be restored without a destructive war; but I wished to be with you, and if I can join you now I will. . . . I preferred an arrangement, and you, I thought, agreed with me. They [the aristocracy] chose to fight, and as their counsels have been taken, I can but do my duty as a member of the commonwealth, and as a friend to you.⁹⁵

In a letter to Atticus he said:

Observe the man into whose hands we have fallen. How keen he is, how alert, how well prepared! By Jove, if he does not kill anyone, and spares the property of those who are so terrified, he will be in high favor! I talk with the tradesmen and farmers. They care for nothing but their lands and houses and money. They have gone right round.⁹⁶

Letters to
Atticus.

In another letter he says:

My preparations are complete. I wait till I can go by the upper sea; I cannot go by the lower at this season. I must start soon lest I be detained. I do not go for Pompey's sake. I have long known him to be the worst of politicians, and I know him now for the worst of generals. I go because I am sneered at by the *optimates*. Precious *optimates*! What are they about now? Selling themselves to Caesar. The towns receive Caesar as a god.⁹⁷

Again:

Pompey has sailed. I am pleased to find that you approve my remaining. My efforts now are to persuade Caesar to allow me to be absent from the Senate which is soon to meet. I fear he will refuse. I have been deceived in two points. I expected an arrangement; and now I perceive that Pompey has resolved upon a cruel and deadly war. . . . Pompey is aiming at monarchy after the type of Sulla. I know what I say. Never did he show his hand more plainly. Has he not a good cause? The very best. But mark me, it will be carried out most foully. He means

⁹⁵ *Ad Att.*, viii, 11 (d).

⁹⁶ *Ibid.*, viii, 13. For a clear and elaborate statement, with the authorities, of all the motives that prompted Cicero to follow Pompey, see Tyrrell, *Cicero in His Letters*, pp. xxvii sq.

⁹⁷ *Ad Att.*, viii, 16.

to strangle Rome and Italy with famine, and then waste and burn the country, and seize the property of all who have any. Caesar may do as ill; but the prospect is frightful.⁹⁸ . . . Why did not I follow Pompey when things were at their worst? On January 17 I could see that he was thoroughly frightened. . . . In no respect was he acting in a way to make it proper for me to join his flight. But now my love for him revives; now my regret for him is more than I can bear; books and philosophy please me no more. Like Plato's bird, I gaze night and day over the sea, and long to fly away.⁹⁹

Cicero's
hope of a
settlement.

Still believing that peace might be accomplished by conference, Cicero remained in Italy while Pompey, about the middle of March, crossed the Adriatic to Epirus. Such hope of a settlement was kept alive by Caesar's agents at Rome¹⁰⁰ and by Caesar himself who, on March 26, wrote that he desired a conference with Cicero on his way to the capital which he had not seen for nine years. "I would like to have you await me," he said, "near Rome, that I might use your counsels and resources, as I am wont, in everything. Let me tell you that no one is more agreeable than your Dolabella."¹⁰¹ On March 27 or 28, Caesar and Cicero met at Formiae, where the great soldier laid down the law to the great orator after the latter had declared that he would not go to Rome, where the Senate was soon to meet, because he knew he would not be permitted to express his real opinions. Caesar did not force him. "The upshot was that he, as though seeking a way out, suggested that I think the matter over. There was no saying nay to that. So we parted." In refusing to stoop to please Caesar, Cicero had pleased himself: "I

Met Caesar
at Formiae.

⁹⁸ *Ad Att.*, ix, 7.

⁹⁹ *Ibid.*, ix, 10. καθάπερ ὄρνις ποθὼν ποθὲν ἀναπτᾶσθαι. — Plato, *Epis.*, vii, 348A.

¹⁰⁰ *Ad Att.*, ix, 13 (a).

¹⁰¹ *Ibid.*, ix, 16 (a).

suppose he does not love me. But I loved myself, and, it is a long time since that has come to pass."¹⁰² Still hoping to win Cicero, Caesar, before sailing away to subdue Spain in forty days, wrote him a personal letter, dated April 16, warning him not to leave Italy:

His rapid conquest of Spain.

Nobody will say that you are following the winning cause, if you do, that is true; but you would condemn my action and you could not do me a greater injury than that.¹⁰³

Antony, left behind as a kind of viceroy, also appealed to him, saying,

Antony viceroy of Italy.

You and I are at odds, but that is due not so much to any wrong you have done me—there is none—but to my enthusiasm [for Caesar's cause]. Think of your son-in-law and your daughter. Do not go.¹⁰⁴

Tullia also appealed to her father to wait for decisive news from Spain.¹⁰⁵ He did not finally make up his mind until June, when he went from Cumae to Formiae where a vessel was ready for him. On the seventh, after writing a farewell letter to Terentia,¹⁰⁶ advising her to dwell in those villas farthest removed from men in arms, he embarked with his brother, son, and nephew, and sailed to the opposite coast to join Pompey. Nearly four years later he wrote:

Cicero went to Pompey June 7.

I do not think that I once abandoned country and children, being influenced by the prizes of victory, but as it seemed to me

¹⁰² *Ad Att.*, ix, 18.

¹⁰³ *Ibid.*, x, 8 (b).

¹⁰⁴ *Ibid.*, x, 8 (a). In that letter Antony says: "For I want to convince you that no one is dearer to me than you are, except my Caesar, and that my conviction at the same time is that Caesar gives M. Cicero a very high place among his friends."

¹⁰⁵ *Ibid.*, x, 8.

¹⁰⁶ *Ad Fam.*, xiv, 7. At the close he says: "You can with advantage use the home at Arpinum with your town establishment, if the price of food goes up."

I followed a certain duty satisfactory to my sense of right and of devotion, and due the state and my public position.¹⁰⁷

A mission of
despair.

There can be no doubt that Cicero went on a mission of despair from a sense of duty; and it was certainly very noble of Cato, upon his arrival at the camp, to upbraid him for his folly in coming to them, as their cause was desperate, and as it was likely that the orator could have been of more service to his friends and country if he had remained at home.¹⁰⁸ Certainly he was treated neither with confidence nor consideration by Pompey, who, after he had indulged in sarcastic comments as to the unpreparedness of his army, as Macrobius tells us, said, "I wish Cicero would go over to the enemy that he may learn to fear us." And yet he seems to have loaned Pompey at this time a considerable sum of money to help on the cause.

Pompey's
coldness.

The letter to Atticus of June 13 from the camp at Dyrrachium relates mainly to financial matters.¹⁰⁹ There it was that Caesar first encountered Pompey, a year after the departure of the latter from Italy; and there it was that Caesar suffered a most unexpected defeat which forced him to retire in a kind of flight toward Macedonia. That success, Cicero tells us, so turned Pompey's head—

. . . . that from this moment that great man ceased to be a general; opposed a raw, new-raised army to the most robust and veteran legions; was shamefully beaten, with the loss of his camp, and forced to fly away alone.¹¹⁰

Pharsalia,
August 9,
48 B.C.

And yet the fact is that at the battle of Pharsalia, fought August 9, 48 B.C., old style, by the Roman aristocracy in

¹⁰⁷ *Ad Fam.*, vi, 1. Cf. Sihler, p. 320.

¹⁰⁸ Plut., *Cic.*, 38.

¹⁰⁹ *Ad Att.*, 11, 3.

¹¹⁰ *Ad Fam.*, vii, 3. This was the letter written to Marius in July, 46 B.C.

defense of their own supremacy, Pompey had forty-seven thousand infantry, not including his allies, and seven thousand cavalry, while Caesar had only twenty-two thousand infantry and a thousand cavalry. Neither Cicero nor Cato were present; both had remained in the camp at Dyrrachium where the latter commanded with fifteen cohorts. When the news of the defeat arrived Cato offered the command to the ex-consul on account of his superior dignity,¹¹¹ and when he declined it, according to Plutarch, young Pompey drew his sword and would have killed him but for Cato's interference. After twenty-four thousand Pompeians had surrendered, Cicero, regarding Caesar's victory as absolutely conclusive, returned to Brundisium about the end of October, after a dreary absence of nearly eighteen months. In a letter to Plancius he said:

Cicero's return to Italy in October.

Victory on one side meant massacre, on the other slavery. It consoles me to remember that I foresaw these things, and as much feared the success of our cause as the defeat of it. I attached myself to Pompey's party more in hope of peace than from a desire of war; but I saw, if we had the better, how cruel would be the triumph of an exasperated, avaricious, and insolent set of men; if we were defeated, how many of our wealthiest and noblest citizens must fall. Yet when I argued this and offered my advice I was taunted for being a coward.¹¹²

Letters to Plancius, Varro, and Marius.

In a letter to Varro he said:

You and I both grieved to see how the state would suffer from the loss of either army and its generals; we knew that victory in a civil war was itself a most miserable disaster. I dreaded the success of those to whom I had attached myself.¹¹³

In a letter to Marcus Marius he said:

I despaired of success and recommended peace. When Pompey would not hear of it, I advised him to protract the war. Thus

¹¹¹ Plut., *Cat. Min.*, 55.

¹¹² *Ad Fam.*, iv, 14.

¹¹³ *Ibid.*, ix, 6.

for the time he approved, and he might have continued firm but for the confidence he gathered from the battle of Dyrrachium. From that day the great man ceased to be a general. With a raw and inexperienced army he engaged legions in perfect discipline. On the defeat he basely deserted his camp and fled by himself. For me this was the end. . . . I retired from a war in which the only alternatives before me were either to be killed in action or to be taken prisoner, or fly to Juba in Africa, or hide in exile, or destroy myself.¹¹⁴

¹¹⁴ *Ad Fam.*, vii, 3.



JULIUS CAESAR. British Museum.

CHAPTER IX

CICERO AND CAESAR

CICERO was wide of the mark when he assumed that the civil war had ended with the triumph of Caesar at Pharsalia. Nearly three years of bitter strife were to pass by before the final overthrow of the Pompeians in March, 45 B.C., at Munda, near Cordova, in one of the most desperate battles in which Caesar was ever engaged.

Caesar after
Pharsalia.

Instead of being able to return to Italy, the victor of Pharsalia was compelled to follow along the track of Pompey to Alexandria, whence, after an embarrassing delay of nine months devoted to the settlement of the title to the throne of Egypt, he sailed for Syria, where he saw and conquered Pharnaces, the son of the great Mithridates, ending the war in five days.¹ Not until he had placed the affairs of the East upon a firm foundation was he able in August, 47 B.C., to return to Rome in time to deal with the threatened revolt of the legions in Campania,² embarking before the end of that year for Africa, where Scipio, Cato, Afranius, Labienus, and the other Pompeian generals, assisted by King Juba, held possession of that province with a vast army.

Returned
from the
East to Rome
in 47 B.C.

A division of Scipio's troops were in the peninsula of Thapsus, between Carthage and Utica. There it was that

¹ In the famous message to the Senate he announced his victory in the laconic phrase, *Veni, vidi, vici*.

² Dio., xlii, 52-55.

Battle of
Thapsus,
April, 46 B.C.

Caesar won the battle of Thapsus in April, 46 B.C.; there it was that Cato of Utica, *ultimus Romanorum*, fell upon his sword and died.³ After his return to Rome in July, as a world-conqueror, Caesar, on four separate days, celebrated triumphs over Gaul, Egypt, Pontus, and Africa. But the end was not yet. In midwinter the great one, now fifty-five and in failing health, was compelled to depart for Spain, accompanied by his adopted son Octavius, and by Decimus Brutus, in order to put down a general revolt throughout that province headed by Labienus and the sons of Pompey.

Battle of
Munda,
March 17,
45 B.C.

After the slaughter at Munda—including three thousand Roman knights, “the last remains of the haughty youths who had threatened Caesar with their swords in the Senate-house, and had hacked Clodius’ mob in the Forum”⁴—he was so delayed by the task of reconstructing the affairs of the peninsula that he did not return until September, 45 B.C., to resume the suspended work of practical reform.⁵ During the five years and more that intervened between the crossing of the Rubicon, about the middle of January, 49 B.C., and his assassination on the ides of March, 44 B.C., Caesar was able to pass barely fifteen months at home. His real work was done abroad. It was through his world-conquests that he built up that pronounced and permanent form of dictatorial power that enabled him to lay deep the foundations of the new imperial system into which the ancient republic

Foundations
of the new
imperial
system.

³ About April 15. — O. E. Schmidt, *Der Briefwechsel*, p. 420.

⁴ Froude, *Caes.*, p. 394.

⁵ The battle of Munda seemed to close the era of the civil war. There was no longer either pretext or reason, so the upper class held, for the prolongation of the dictatorship. The decisive moment, then, was approaching; at last the world would know whether Caesar cared more for liberty or for the temptations of tyranny and revolution. — Ferrero, *Greatness and Decline of Rome*, vol. ii, p. 289.

lican constitution of Rome, without any sudden or violent outward changes, was silently yet swiftly transformed.

Nothing in the history of institutions is more subtle than the process through which the substance of the divided powers vested by the Roman constitution in the assembly of the people, the Senate, and the magistrates was centralized in the hands of a single autocratic ruler, without the destruction of the outward forms of the organs from which it was drawn. The magic wand that wrought the transformation was the dictatorship, which necessarily implied a temporary suspension of all constitutional government in order that the state might, on a particular occasion, suffer no harm. As dictator, Sulla had made a tentative demonstration of the process through which Caesar arrived at a finality.

A subtle constitutional transformation.

Magic wand of the dictatorship.

Caesar was first proclaimed dictator in 49 B.C., after his brilliant successes in Spain; on the news of Pompey's death he was, in 48 B.C., declared dictator a second time in his absence, with Antony as his master of horse, absolute governor in Italy; after the battle of Thapsus, he was, in 46 B.C., made dictator for ten years; after the battle of Munda, in 44 B.C., he was made dictator for life. The "perpetual dictatorship" thus granted excited the bitter animosity of the republicans, because it implied a perpetual suspension of constitutional government; and the title *imperator* he adopted was intended to describe the unlimited nature of the *imperium* he claimed, separate and apart from the limited authority possessed by the republican magistrates.⁶ The tribunician power was

"Perpetual dictatorship" and the title *imperator*.

⁶ Suet., 40; Dion., xliii, 44. See also, as to the use of the title *imperator* in this sense, Mommsen, vol. iii, p. 466, and note.

also conferred upon him which, apart from other advantages, rendered his person inviolable.⁷

Power of the
imperium.

From the time he seized the money in the treasury on his first entry into Rome⁸ until the end, he assumed, as *imperator*, the entire direction of Rome's foreign affairs, the entire control of the army, and of the provinces which were governed by his "legates"⁹ and not by independent magistrates. The old republican constitution had been made for the government of a single city; and when the attempt was made to apply it to the government of a growing empire, it simply broke down because its clumsy machinery was inadequate to the task. The clear, dark eyes of the world-conqueror seeing that fact simply made a severance, taking upon himself as *imperator* the direction of all imperial affairs, and leaving to the old constitution, with such serious modifications as he saw fit to make in it, the local government of Rome as a city-state.

Old
republican
constitution
municipalized.

To use a favorite phrase, Caesar municipalized the old republican constitution, subordinating it at the same time to the *imperator* who directed the legions and the provinces. While still pretending to hold his authority by the will of the people, he permitted the ancient fabric, consisting of popular assemblies, Senate, and elected magistrates, consuls, praetors, aediles, quaestors, and tribunes, to go on discharging within a limited sphere their usual functions subject always and in all things to his paramount authority. Under such a system Rome was for months

⁷ The *tribunicia potestas* was granted early in his period of rule (48 B.C.) and given for life; it must have been regarded even now as the ideal complement of a lasting *imperium*, valuable for the inviolability it conferred and for the civil and popular coloring which it gave its holder.—Greenidge, *Roman Public Life*, p. 337.

⁸ Plut., *Caes.*, 35.

⁹ Dion., xliii, 47.

at a time left without regular magistrates, and governed like a dependent city by the *imperator's* prefects.¹⁰ Candidates presented themselves to the people at elections backed by a dictatorial recommendation equivalent to a command.¹¹

The dwindling process had been going on since the year 81 B.C. From that time the consuls and praetors of each year had been stationed at Rome and employed in purely municipal business; while, since the enfranchisement incident to the Italian war, the *comitia*, although still recognized in theory as the ultimate source of all power, had become little more than assemblies of the local Roman populace. In that way, as the old magistracies became merely municipal offices, the assembly of the sovereign people lost its law-making power, retaining no right to represent the true Roman people except when called upon to make a formal confirmation of the authority of the ruler of the Empire which was his already.

Comitia
as a local
assembly.

Nothing is more notable than the reorganization of the Senate, from which the *imperator* expelled all who had been guilty of corruption or extortion, filling their places with officers of distinguished merit, with foreigners, with sons of freedmen, with meritorious citizens from all parts of the Empire, including even "semi-barbarous Gauls"—thus raising the total number of senators to 900. Instead of the censorship, by which the list of the Senate could be revised, Caesar was given for three years, in 45 B.C., the *praefectura morum*,¹² which he used as a means of

Reorganiza-
tion of the
Senate.

*Praefectura
morum.*

¹⁰ Zumpt, *Stud. Rom.*, p. 241; Suet., 76.

¹¹ Suet., 41: "Caesar dictator . . . commendo vobis illum et illum, ut vestro suffragio suam dignitatem teneant." Cf. the admirable article on "Rome," ancient history, by H. F. Pelham, M.A. (*Enc. Brit.*, 9th ed.), to which I am greatly indebted.

¹² Dion., xliii, 14; see Mommsen, *C. I. L.*, vol. i, p. 41.

restraining the extravagance and luxury induced by the sudden influx of plundered wealth.

When the Roman popular assemblies died out and became obsolete, without being ever formally abolished, the power of direct legislation passed to the Senate; and so at the very moment when the Senate was recognized as an organ of legislation, it became the mere tool of the emperor for that purpose. In the history of Roman statute law are reflected the two stages of development through which the imperial power passed. During the first, while the Roman state remained a republican commonwealth in theory, the power of the emperor was simply the power of the "first citizen"; during the second, i. e., from the time of Diocletian to Constantine, it was the power of a monarch. After imperial legislation had thus superseded senatorial legislation, after an imperial statute became an *oratio* directly promulgated to the nation as a whole, it became necessary, of course, to distinguish the emperor's merely interpretative or judicial from his legislative functions.¹³ In the words of a master:

Imperial
legislation
superseded
senatorial.

Caesar was the first sole ruler of Rome; and we might be inclined to imagine that the powers which he enjoyed were consciously assumed merely as those of a provisional government, were there not signs that towards the close of his life he was satisfied with the solution which he had adopted. . . . But in the last year of his life, 44 B.C., he entered on a perpetual dictatorship, a revival of the Roman monarchy both in reality and in name.

It is true that the title *rex* was not assumed, out of deference to the feelings of the masses, who saw in it merely a synonym of oriental despotism; and for the same reason the diadem was declined. But every educated Roman knew that the Roman monarchy had been nothing else than the unlimited *imperium*, and many may have believed that dictator or "master of the people"

¹³ See the author's *Science of Jurisprudence*, pp. 114-18.

was the most significant of the titles of the king. It was therefore a *regnum* under which Rome was living, and there was no concealment of its military character, for the title *imperator* was now borne by the regent within the walls.¹⁴

Thus armed with the substance of monarchical power, under republican forms, the regent, as we may call Caesar, undertook to demonstrate the practical value of the new order by relieving the towns of the concentration of a pauper population, and the country districts of a growing desolation, by the colonization of Corinth and Carthage, and by allotments of land on a large scale in Italy, whereby decaying rural communities were reinforced by fresh groups of settlers.¹⁵

Monarchical
power under
republican
forms.

In the same spirit he reformed the Roman calendar with the aid of Sosigenes,¹⁶ an Alexandrian astronomer, who, leaving the moon altogether, took the sun as the basis of the new system. And finally, he purified the administration of the criminal law by the abolition of the popular element among the *judices*. While the regent, or "the tyrant," if you please, was thus doing what he could to reconstruct Rome as a well-ordered and progressive commonwealth, he was planning other schemes of administrative reform that contemplated the turning of the course of the Tiber, the draining of the Fucine Lake and the Pontine Marshes, the building of a new road across the Apennines, the extension of the capital and the widening of its periphery.¹⁷

Calendar
reformed.

Changes
in the
criminal law.

¹⁴ Greenidge, *Roman Public Life*, pp. 336-37.

¹⁵ As to the temporary stimulus given to Italian industry by the reimposition on foreign goods of harbor dues, see Suet., 42, 43.

¹⁶ It is not unlikely that he had made acquaintance with Sosigenes in Egypt, and had discussed the problem with him in the hours during which he is supposed to have amused himself in the arms of Cleopatra. — Froude, *Caes.*, p. 386.

¹⁷ Plut. *Caes.*, 58; Suet., 44; Dio., xliii, 51.

Walter Bagehot, in describing the subtle process through which the ancient English monarchy was silently transformed into a hereditary republic, has said:

Transformation of the Roman republic into a hereditary monarchy.

This ancient and ever-altering constitution is like an old man who still wears with attached fondness clothes in the fashion of his youth; what you see of him is still the same; what you do not see is wholly altered.¹⁸

Cicero's illusion as to the dead Republic.

Cicero might have described in the same words the subtle process through which the ancient Roman Republic was silently transformed under his very eyes into a hereditary monarchy. To the ancient republican constitution the orator was so devotedly attached, through prejudice and principle, that he sacrificed his life in a vain yet patriotic effort to revive it, after it had perished through its own infirmities. He passed out of the world under the illusion that the republican constitution was only in a swoon from the blow Caesar had inflicted upon it—he could not understand that it was actually dead as the result of a slow disease in its vitals which had deprived it of citizens.

Only when we hold Cicero's illusion, amounting to an obsession, clearly in view, is it possible to understand his relations to Caesar and to political events during the four fateful years that intervened between Pharsalia and the ides of March—a period during which Cicero's one thought, one hope, was the resuscitation of the dead Republic.

Beginning of coldness to Terentia.

After his arrival at Brundisium early in November, 48 B.C., hoping to meet Caesar then at Alexandria, he seems to have declined to permit Terentia to come to him: "I don't see what good you can do me if you do come. Good-bye."¹⁹ A coldness had begun between

¹⁸ *Eng. Const.*, p. 34.

¹⁹ *Ad Fam.*, xiv, 12.

them immediately after his return from exile, to which he darkly alludes in two letters to Atticus, emphasized by the fact that it was Tullia, not Terentia, who came to meet him at Brundisium on that occasion.²⁰ But that coldness was so far removed that he kept up a correspondence with Terentia while in Cilicia, 51-50 B.C.; and despite his disapproval of the marriage she arranged between Tullia and Dolabella, he addressed her warmly when about to return, and was met by her on landing.²¹

The next symptom of estrangement appears in the short, cold, and conventional notes from Pompey's camp. If Plutarch is to be believed, Cicero was "neglected by her during the war [the Dyrrachium-Pharsalus campaign] when he was left in dire want."²² At any rate she did not go to him during his long stay at Brundisium, whither he had gone by reason of a letter written by Dolabella at the command of Caesar, who had told him to write to his father-in-law to return to Italy immediately. Under such conditions, Balbus and Oppius, the regent's all-powerful representatives, undertook to interest themselves in the orator's behalf. That intervention was specially necessary by reason of the fact that Quintus, now a pronounced Caesarean, had sent his son in advance to the regent, not only to secure his own pardon, but to present an accusation against the brother from whose devotion and prestige he had derived whatever importance he had enjoyed. Therefore, when on January 3 he wrote to Atticus, he said: "I am writing this to you on my birthday, on which day would that I had

Neglected by her during Dyrrachium-Pharsalus campaign.

Ingratitude of Quintus.

²⁰ It was Tullia's birthday. — *Ad Att.*, iv, 1.

²¹ At Athens he received a letter from her only twenty-one days old. — *Ad Fam.*, xiv, 5.

²² Cf. Sihler, p. 356.

never been born of the same mother. Tears prevent me writing more.”²³

Meeting
of Cicero
and Caesar,
September,
47 B.C.

Not until September did the clouds begin to lift, when Caesar, upon his return, met Cicero between Taurentum and Brundisium, embracing him, and giving him freedom to live anywhere in Italy he chose. We have no account of the interview from the orator's own pen; we only know from Plutarch that “Caesar, as soon as he saw him coming a good way before the rest of the company, came down to meet him, saluted him, and leading the way, conversed with him alone for some furlongs.” Soon he was at his beloved Tusculan villa, in the Alban hills, and there he remained until December, when he returned to Rome within whose walls he had not been since his departure to assume the proconsular government of Cilicia in 51 B.C. From his old quarters in town he wrote to Varro, the “most learned of the Romans,” and the author, it is said, of 490 books (two only of which survive even in part):

Letter to
Varro.

Permit me to tell you that, since my arrival in the city, I have effected a reconciliation with my old friends, I mean my books; though the truth is that I had not abandoned their society because I had fallen out with them, but because I was half-ashamed to look them in the face. For I thought, when I plunged into the maelstrom of civil strife, with allies whom I had the worst possible reason for trusting, that I had not shown proper respect for their precepts. They pardon me; they recall me to the old intimacy, and you, they say, have been wiser than I for never having left it.²⁴

Terentia di-
vorced early
in 46 B.C.

It was at the end of this year or early in the next, 46 B.C., that Cicero, now a gray-headed man of sixty-one, divorced the wife to whom he had been married for

²³ *Ad Att.*, xi, 9.

²⁴ *Ad Fam.*, ix, 1.

some thirty years.²⁵ The lame excuse generally given for that step rests upon the accusation of mismanagement of his financial affairs by Terentia during his absence, which seems to have been caused largely by the carelessness or dishonesty of her steward, Philotimus.²⁶ In a letter to Cnaeus Plancius, the orator thus states his own case:

I should not have taken any new step at a time of such general disaster had I not on my return found my private affairs in as sorry a position as the public. The fact is, that when I saw that, owing to the criminal conduct of those to whom my life and fortunes ought, in return for my never-to-be-forgotten services, to have been their dearest object, there was nothing safe within the walls of my house, nothing that was not the subject of some intrigue, I made up my mind that I must arm myself by the faithful support of new marriage connections against the perfidy of the old.²⁷

Cicero's plea.

Certain it is that he undertook to carry out that policy very promptly by placing himself in the hands of match-makers, whose first tender was very unattractive, we know, because in a letter to Atticus he said:

In the hands of the match-makers.

As to the daughter of Pompeius Magnus, I wrote you back word that I was not thinking about her at the present moment. That other lady whom you mention I think you know—the ugliest thing I ever saw—*nihil vidi foedius*.²⁸

While in this receptive condition, the orator was the guest of the great wit Volumnius at a feast graced by the famous beauty and actress Cytheris, who then held Antony and Gallus among her captives. In a letter to a

A gay dinner with Volumnius and Cytheris.

²⁵ Cf. O. E. Schmidt, *Der Brief.*, p. 420.

²⁶ *Ad Att.*, vi, 4. Seneca tells us there was at least one divorce a day at Rome—*nulla sine divortio Acta sunt*.

²⁷ *Ad Fam.*, iv, 14.

²⁸ *Ad Att.*, xii, 11.

friend written from the dinner table, no unusual thing with busy men,²⁹ he said:

I have just lain down at dinner at three o'clock, when I scribble a copy of this to you in my pocket book.³⁰ Now listen to the rest. Below Eutrapelus (Volumnius) lay Cytheris. To tell you the truth, I had no suspicion that she would be there. As for myself the fact is that that sort of thing never had any attraction for me when I was a young man, much less now I am an old one. I like a dinner party. I talk freely there, whatever comes upon the tapis, as the phrase is, and convert sighs into loud bursts of laughter. Every day something is read or written. Then, not to be quite churlish to my friends, I dine with them, not only without exceeding the law [Caesar's sumptuary law], but even within it, and that by a good deal, so you have no reason to be terrified at the thought of my arrival. You will receive a guest of moderate appetite, but of infinite jest.³¹

Atticus, knowing that there is no fool like an old one, advised his friend to cut short his matrimonial quest by marrying Publilia—his rich ward, almost a girl, with an ambitious widowed mother—largely no doubt as a means of satisfying his importunate creditors. And here let it be remembered that the orator's professional business on the Forum had ceased since the spring of 51 B.C., when he went as proconsul to Cilicia; and that his accumulations from that quarter had been sunk in Pompey's disasters.

It is a comfort to be able to turn away from Cicero's apparently heartless divorce from Terentia, and from his manifestly mercenary marriage with Publilia, to the contemplation of his panegyric on Cato, which had the effect of drawing from Caesar himself a counterblast, which he entitled *Anticato*, not published, however, until after

Marries his
rich ward
Publilia.

Importunate
creditors.

Cicero's
Cato.

Caesar's
Anticato.

²⁹ It was Caesar's constant habit. — Plut., *Caes.*, 63.

³⁰ For his amanuensis to copy, no doubt.

³¹ *Ad Fam.*, ix, 26.

his triumph at Munda. Cicero clearly described the magnitude of his task when he wrote:

But that about Cato is a problem requiring an Archimedes. I cannot succeed in writing what your guests [Caesarians like Hirtius, Balbus, and Oppius] can possibly read, I don't say with pleasure, but even without irritation. Nay, even if I keep clear of his senatorial speeches, and of every wish and purpose which he entertained in politics, and chose in merely general terms to eulogize his firmness and consistency, even this in itself would be no pleasant hearing for your friends. But that great man cannot be praised as he really deserves unless the following topics are dilated upon: his having seen that the present state of things was to occur, his having exerted himself to prevent them, and his having quitted life to avoid what has actually happened.³²

Great as the difficulties were, he who was destined to perish defending the ancient constitution as Cato perished, built a deathless monument to his memory.

If there is anywhere in ancient letters a truer outline of Cato's political life, I do not know where to find it. There lie the simple words, like huge units of masonry, without binding mortar, without sculptured ornaments, large, firm, abiding.³³

Sihler's striking tribute.

And here, in connection with Caesar's literary performance known as *Anticato*, mention may be made of the interesting fact that after his election as consul in 59 B.C., he established a new institution that gives him a place among the founders of journalism. He originated at Rome what we should now describe as a popular newspaper or handbook, copied by slaves and distributed every few days to subscribers, into which was condensed the most important and interesting public and private information of the day, for the benefit of those rich enough

Caesar as a journalist.

³² *Ad Att.*, xii, 4.

³³ Sihler, p. 342.

to pay for it.³⁴ While the regent was away from Rome he received of course regularly the *Acta*, finally a sort of *Moniteur* of the Empire,³⁵ in which the utterances of all important personages were naturally included. Writing on that subject to a friend in July, 46 B.C., Cicero said:

His critical
faculty.

I think it is my duty to say nothing calculated to offend either his [Caesar's] wishes or those of his favorites. But if I want to avoid the credit of certain keen or witty epigrams, I must entirely adjure a reputation for genius, which I would not refuse to do, if I could. But after all Caesar himself has a very keen, critical faculty, and, just as your cousin Servius—whom I consider to have been a most accomplished man of letters—had no difficulty in saying: "This verse is not Plautus's, this is—" because classifying the various styles of poets and by habitual reading, so I am told that Caesar, having now completed his volumes of *bons mots* [his *Dicta Collectanea*, which Augustus would not allow to be published.—Suet., *Caes.*, 56], if anything is brought to him as mine, which is not so, habitually rejects it. This he now does all the more because his intimates are in my company almost every day.³⁶

Caesar's
sumptuary
laws.

Cicero's fling
at the ordi-
nance against
mushrooms.

Before the end of July, the victor at Thapsus arrived from Africa by way of Sardinia; and, as a quasi-sovereign, he undertook, acting as *praefectus morum*, to suppress luxurious living, through sumptuary laws, under which too costly dishes were confiscated. Cicero could not resist the temptation to take a fling at a certain ordinance dealing with mushrooms. In ridiculing the dumb show of senatorial government he writes:

³⁴ See Daremberg and Saglio, *D. A.*, vol. i, p. 50; E. Caetani-Lovatelli, "I giornali dei Romani" in the *Nuova Antologia*, November 1, 1901; Ferrero, *Greatness and Decline of Rome*, vol. i, p. 287.

³⁵ Tacitus (*Ann.*, xvi, 22) tells us that "The journals are read with more avidity than ever in the provinces and the armies, to know what Thræsea has last abstained from doing": "diurna populi Romani, per provincias, per exercitus curatius leguntur, ut noscatur quid Thræsea non facerit." See Bossier, *Tacitus and Other Roman Studies*, p. 226.

³⁶ *Ad Fam.*, ix, 16; see also *Ad Fam.*, viii, 1.

I did not myself at that time desire to absent myself for any length of time from the guardianship of the constitution; for I was sitting at the helm and holding the rudder; whereas now I scarcely have a place in the hold. Do you suppose the number of senatorial decrees will be any the less if I am at Naples? While I am at Rome and actually haunting the Forum, senatorial decrees are written out in the house of your admirer, my intimate friend [Caesar], and whenever it occurs to him, I am put down as backing a decree, and am informed of its having reached Armenia and Syria, professing to have been made in accordance with my vote, before any mention has been made of the business at all. And, indeed, I would not have you think that I am joking about this, for I assure you I have had letters from kings at the other end of the earth, thanking me for having voted for giving them the royal title, as to whom I was not only ignorant of their having been called kings, but of their very existence even. What, then, am I to do? After all, as long as this friend of ours, this guardian of morals, is here, I will follow your advice: *but directly he goes away I am off to your mushrooms.*³⁷

How senatorial decrees were written.

In the midst of such repinings Cicero was suddenly called upon to depart from his policy of silence, and to speak in the Senate in the matter of his old school-fellow, Marcus Claudius Marcellus, an ultra-aristocrat, who, as consul in 51 B.C., had been hostile to Caesar, of whom he now refused to ask pardon. After having obtained from his staunch republican friend, who, after Pompey's overthrow, had retired to Mitylene, his consent to accept a pardon, if tendered him, Cicero asked it of Caesar who, to his surprise and delight, granted it to his old enemy promptly and graciously. Carried away by such nobleness, the emotional orator, in his first speech since Pharsalia, pronounced the oration known as *Pro Marcello*, in

Oration *Pro Marcello*.

³⁷ *Ad Fam.*, ix, 15. Max Budinger, in an able article on *Cicero und der Patriciat*, has shown that cordial feelings existed both before and after the outbreak of the civil war between Cicero and Caesar, not as politicians, but as men of the world. Tyrrell, *Cicero in His Letters*, Int., xxxi.

the Senate, in Caesar's presence. The whole Senate had interceded with Caesar to pardon Marcellus, and to allow him to return to his country; and when he yielded Cicero rose and thanked him for his magnanimity.

The orator's letters fix the fact that at that time he really hoped that the regent intended to restore the Republic. Writing to Servius Sulpicius, immediately after the incident, he relates how Caesar, after dwelling severely on the "bitter spirit" shown by Marcellus, declared that he would not allow "his opinion about an individual to bring him into opposition to the declared will of the Senate." Then he adds:

You need not ask me what I thought of it. I saw in my mind's eye the Republic coming back to life. I had determined to hold my peace forever; not, God knows, through apathy, but because I felt my former status in the House lost beyond recall. But Caesar's magnanimity and the Senate's loyalty swept away the barriers of my reserve.³⁸

The ninth chapter of the speech, directed to the consideration of what Caesar is still to do, thus begins:

"The restoration of the Republic."

This then is what still remains, this is the act necessary to complete the drama, this the crowning feat, the restoration of the Republic.

Then, after saying:

Unquestionably, posterity will stand amazed when they hear and read of your military commands—of the provinces which you have added to the Empire—of the Rhine, of the ocean, of the Nile, all subject to us—of your countless battles, of your incredible victories, of your innumerable monuments and triumphs, [he added], have regard, then, to those judges who will judge you many ages afterwards, and who will very likely judge you more honestly than we can. For their judgment will be unbiased by

³⁸ *Ad Fam.*, iv, 4.

affection or by ambition, and at the same time it will be untainted by hatred or by envy.³⁹

Froude has deliberately attempted to make it appear that this speech, not regarded at the time as overstrained, was a base and hypocritical attempt upon the part of Cicero to flatter and mislead Caesar upon the very eve of his assassination. That brilliant and picturesque man of letters, who would have been a greater historian if he had struggled less for dramatic effects, says: "Such was the speech delivered by Cicero in the Senate in Caesar's presence *within a few weeks of his murder.*" The backbone of the fierce attack thus made upon Cicero's character and motives is broken the moment we remember that the speech was really delivered before November 23, 46 B.C.—a full year and a half, instead of a "few weeks" before the murder.

Froude's
grave in-
justice.

An acute historical critic has clearly demonstrated from the documents, in an article entitled "Cicero's Case against Caesar,"⁴⁰ how it was that, during that year and a half—

Exposed by
an acute his-
torical critic.

. . . . the sincere admiration of Caesar's character expressed throughout the speech for Marcellus was converted into the feeling that produced the scream of delight at the assassination of Caesar, preserved for us in that extraordinary little scribble to Basilus—the shortest letter extant, [in which Cicero wrote:] Congratulations! Delighted! My love and complete sympathy! Do send me, with your love, a full account of what you are doing, and what is going on.⁴¹

Certainly if the orator had been in the plot, or in touch with the plans of the conspirators, his ignorance as to what was going on, on the Capitol, could not have

³⁹ *Pro Marcello*, 9.

⁴⁰ *Quarterly Review*, No. 368, October, 1896, pp. 395-422. ✓

⁴¹ *Ad Fam.*, vi, 15.

been so sensational or so profound. Neither the learned nor living narration of a Mommsen, nor the brilliant staging of Froude can permanently affect historical judgment when their manifest purpose was to exalt one demigod at the expense of another.

Defense of
Ligarius.

While Caesar's consent to the restoration of Marcellus was still a very recent occurrence, the orator's services were secured in behalf of another exile, Quintus Ligarius, who had been with the Pompeians in Africa, and to whom Cicero had written in the latter part of September as follows:

To begin with, then, I will say this, of which I have a clear knowledge and full perception—that Caesar will not be very obdurate to you. For circumstances, as well as the lapse of time and public opinion, and—as it seems to me—even his own natural disposition, daily render him more gentle.⁴²

Caesar sat as
sole judge.

Ligarius had been impeached by Tubero, an ancient enemy, upon the ground that he had behaved with great violence in the prosecution of the African war against Caesar, who, as there was no organized court available to try the case, ordered it be heard before him as sole judge, sitting in his official residence, the Regia, on the Forum. After the regent was told who was to appear for the accused, he said: "Why might we not as well once more hear a speech from Cicero? There is no doubt that Ligarius is a bad man and an enemy." And yet in the teeth of such prejudices the orator so played upon the regent's finer feelings that as he advanced in his argument the latter was seen to change color until his emotion became visible to all. And when "at length the orator touching upon the battle of Pharsalia, he was so affected that his body trembled, and some of the papers

⁴² *Ad Fam.*, vi, 13.

he held dropped from his hands, and thus he was overpowered, and acquitted Ligarius."⁴³ In plucking to pieces the accuser, who would withhold from Ligarius the clemency extended to himself, the orator, in this masterpiece of art, said:

Over-whelmed by Cicero's eloquence.

But I ask this: Who is it who thinks that it was a crime in Ligarius to have been in Africa? Why, the very man who himself also wished to be in Africa, and who complains that he was prevented by Ligarius from going there, and who certainly was in arms and fought against Caesar. For, O Tubero, what was that drawn sword of yours doing in the battle of Pharsalia? Against whose side was that sword-point of yours aimed? What was the feeling with which you took up arms? What was your intention? Where were your eyes? your hands? your eagerness of mind? What were you desirous of? What were you wishing for? I am pressing you too hard. The young man appears to be moved. I will return to myself. I also was in arms in the same camp.⁴⁴

A moment before he had said:

See how brilliantly the light of your liberality and wisdom rises upon me while speaking before you! As far as I can, I will lift up my voice so that the Roman people may hear me. When the war began, O Caesar, when it was even very greatly advanced towards its end, I, though compelled by no extraneous force, of my own free judgment and inclinations went to join that party which had taken up arms against you.⁴⁵

And yet, despite the victory won in this pleading before the autocrat, it is plain from a letter written to Sulpicius Rufus at this time that Cicero considered his career as an advocate really at an end:

I will only say, what I hope you think to be right, that for myself, seeing that for the art to which I had devoted myself there was now no place either in Forum or Senate-house, I have

Career as an advocate at an end.

⁴³ Plut., *Cic.*, 39.

⁴⁴ *Pro Q. Ligario*, 3.

⁴⁵ *Ibid.*, 3.

bestowed my every thought and every effort on philosophy. For your professional knowledge—eminent and unrivaled as it is—no sphere much better has been left than for mine.⁴⁶

Caesar's
death grapple
with sons
of Pompey.

Early in November of this eventful year Caesar went away to Spain for the death grapple with the sons of Pompey; and before the end of that month Cicero arrived at his Tusculan villa where his beloved Tullia, divorced at last from Dolabella, her third husband, while looking forward to her confinement, awaited him. It is probable that at this time Cicero wrote the letter of consolation to Titus Titius in which he said:

The very condition of the commonwealth and the disturbance of the times gone to rack and ruin, when the most blessed are those who have not reared any children, and those who lost them in these times are less wretched than they would be if they had lost them in a good or at least in some form of government.⁴⁷

Death of
Tullia early
in 45 B.C.

To the great, tender, emotional nature that had sounded all the depths and shallows of human pleasure and pain, the new year, 45 B.C., was to bring a crowning sorrow in the death of the idolized Tullia, who gave birth to a son of Dolabella at Rome in January. So soon as she had gained sufficient strength she was removed to the Tusculan country-seat in the Alban hills, where Cicero closed her eyes about February 15.⁴⁸ As the awful solitude of his grief was disturbed by the unsympathetic Publilia, he sent her away it seems without any formal divorce. In the words of Plutarch, "he took the event so much to heart that he even sent away his wife, as she had seemed to take pleasure in Tullia's death." At such a moment he naturally took refuge with Atticus at Rome; and, after a brief sojourn, he went to Astura by the sea, where he could be alone with the waves.

Publilia sent
away without
a formal
divorce.

⁴⁶ *Ad Fam.*, iv, 3.

⁴⁷ *Ibid.*, v, 16.

⁴⁸ Cf. O. E. Schmidt, p. 271.

In almost daily letters he poured out his grief to his friends. On March 9 he wrote to Atticus:

Expressions
of grief to
friends.

In this lonely place I have no one with whom to converse, and, plunging into a dense and wild wood early in the day, I do not leave it till evening. Next to you, I have no greater friend than solitude. In it my one and only conversation is with books. Even that is interrupted by tears, which I fight against as long as I can. But as yet I am not equal to it. I will answer Brutus, as you advise.⁴⁹

Not many days before he had received rather a harsh letter of condolence from Brutus, who charged him with giving way to his grief with a weakness unworthy of a man whose habit it was to console others. The notable letter written by the great jurist Sulpicius, now governor of Achaia, was in a more tender and yet in a chiding vein:

Harsh letter
from Brutus.

Why is it that a private grief should agitate you so deeply? Think how fortune has hitherto dealt with us. Reflect that we have had snatched from us what ought to be no less dear to human beings than their children—country, honor, rank, every possible distinction. . . . Now is the time for you to convince us that you are able to bear ill fortune equally well, and that it does not appear to you to be a heavier burden than you ought to think it.⁵⁰

Letter from
Sulpicius
and Cicero's
reply.

In reply he said:

In my case, after losing the honors you yourself mention, and which I had gained by the greatest possible exertions, there was only that one solace left which has now been torn away. . . . For there is no republic now to offer me a refuge and a consolation by its good fortunes when I leave my home in sorrow, as there once was a home to receive me when I returned saddened by the state of public affairs.⁵¹

The new master, "he in whose power we are," did not forget him in his dark hour. Caesar wrote him a letter

⁴⁹ *Ad Att.*, xii, 15; *Ad Brut.*, 9. ⁵⁰ *Ad Fam.*, iv, 5. ⁵¹ *Ibid.*, iv, 6.,

Condolence
from Caesar.

The
Consolatio.

of condolence dated at Hispalis (the modern Seville on the Guadalquivir) May 31.⁵² While sympathetic friends were thus striving to do what they could, Cicero's introspective spirit sought surcease from sorrow in a Treatise on Consolation (*Consolatio, seu de luctu minuendo*);⁵³ and as a physical monument to his grief he proposed to erect some kind of a shrine to Tullia's memory.

I am quite resolved to consecrate her memory by every kind of memorial borrowed from the genius of every kind of artist, Greek or Latin. This may perhaps serve to irritate my wound, but I look upon myself as now bound by a kind of vow and promise. And the infinite time during which I shall be non-existent has more influence on me than this brief life, which yet to me seems only too long.⁵⁴

When in the midst of such gloom Atticus appealed to his grief-stricken friend to resume his place as *patronus* on the Forum, he replied:

You urge me to reappear on the Forum; that is a place which I ever avoided even in my happier days. Why, what have I to do with a Forum when there are no law courts, no Senate-house, and when men are always obtruding on my sight whom I cannot see with any patience.⁵⁵

Profound
discontent
at Rome.

It is impossible to read the letters written by such moderate men as Sulpicius and Cicero at this time without being impressed with the profound discontent existing at Rome, even among those who, like Sulpicius, had been loaded by Caesar with offices and emoluments. Those of his enemies who, after Pharsalia, had only asked for tranquility and protection, were now demanding a good deal more. As a keen observer has expressed it:

So long as men are uncertain of their life, they do not trouble themselves to know if they shall live free, but when once life is

⁵² *Ad Att.*, xiii, 20.

⁵³ *Ibid.*, xii, 14, 20.

⁵⁴ *Ibid.*, xii, 18.

⁵⁵ *Ibid.*, xii, 21.

assured, the desire for liberty returns to all hearts, and those who served Caesar felt it like the rest. Caesar, we know, partly satisfied this desire, but this satisfaction did not last long. It is as difficult to halt on the road to liberty as on that to absolutism. One favor generally makes men desire another, and men think less of enjoying what they have obtained than of lamenting what they lack. It was thus that Cicero, who had welcomed Caesar's clemency with transports of joy, and who saluted the return of Marcellus as a sort of restoration of the Republic, soon changed his opinion and language. . . . He said on every opportunity that all was lost, that he blushed to be a slave, that he was ashamed to live.⁵⁶

The fall of the Roman Republic may well be dated from the final triumph over the enemies of the new Caesarean system at Munda on March 17, the news of which did not reach the capital until the evening of April 20.⁵⁷ The head of the young pretender Cnaeus Pompey, who fled to Gibraltar, was delivered to the regent on April 12;⁵⁸ his brother Sextus escaped. Cicero, writing to Atticus on May 5, says:

Fall of Roman Republic should be dated from Munda, March 17, 45 B.C.

Hirtius has written to tell me that Sextus Pompeius had quitted Cordova and fled into Northern Spain, and that Cnaeus [who had threatened to kill him after Pharsalia] has fled I don't know whither, nor do I care.⁵⁹

When the war in Spain ended, Caesar completed his answer to Cicero's *Cato*, in two books, which he sent at once to Rome for publication. In that way an excuse was given to the orator to express his thanks for the great courtesy with which the regent had treated him, and at the same time to compliment him upon the elegance of his composition. In his account of that performance he says to Atticus:

⁵⁶ Bossier, *Cicero and His Friends*, p. 299.

⁵⁷ At least thirty-four days after the event. — Dio, 43, 42.

⁵⁸ *Bell. Hisp.*, 39.

⁵⁹ *Ad Att.*, xii, 37, 4.

Cicero compliments
Caesar on his
Anticato.

The reason of my not sending you at the time a copy of the letter which I wrote to Caesar was that I forgot. Neither was the motive what you suspected it to have been—shame of appearing in your eyes to be ridiculously time-serving; nor, by heaven, did I write it otherwise than I should have written to an equal and a man like myself. For I really do think well of those books of his [Caesar's *Anticato*], as I told you when we met. Accordingly I wrote without any flattery, and at the same time in such a tone as I think will give him as much pleasure to read it as possible.⁶⁰

Cicero had previously written to his friend on the subject, saying:

As I have not written to him [Caesar] before, he will think that I should probably not have written had not the war been over. Moreover, I fear his thinking that I meant this as a sop for my Cato.⁶¹

Brutus mar-
ries Portia.

About this time Brutus was divorcing his wife Claudia, intending to marry Portia, the daughter of his uncle Cato of Utica, the arch enemy of Caesar, from whom Brutus had been receiving large preferments since Pharsalia, where his life was specially guarded by his orders. All that remains to us of Cato is a note, full of refinement and dexterity, written from Rome in June, 50 B.C., to Cicero, who was at that time proconsul of Cilicia.⁶² Without Cicero's letters and works we should not know Brutus, nor the history of their connection, which lasted for ten years. From Cilicia, Cicero wrote to Atticus: "He is already the first among the young men; he will soon be, I hope, the first in the city."⁶³ At that time this nephew of Cato, descended from one of the most illustrious of the Roman families, the brother-in-law of Lepidus and Cassius, had just married a daughter of

A note
from Cato
to Cicero.

The latter's
estimate of
Brutus.

⁶⁰ *Ad Att.*, xiii, 51.

⁶¹ *Ibid.*, xiii, 27.

⁶² *Ad Fam.*, xv, 5.

⁶³ *Ad Att.*, v, 21.

Appius Claudius, another having already married the eldest son of Pompey.

Brutus had passed a good deal of his life at Athens studying Greek philosophy, returning with a great reputation for wisdom, supported by a virtuous and regular life. The mind of this serious young man was deliberate and introspective; he reached conclusions by gradual processes in which he became so absorbed that when his resolve was at last made up nothing could move him. Caesar correctly described his obstinacy as the source of his strength when he said: "All that he wills he means."⁶⁴ Such was the nature of the man who, at thirty-seven, went to Thessaly, despite the fact that he hated Pompey and loved Caesar who treated him with paternal affection, because he deemed it his duty to follow the consuls and the Senate as the defenders of liberty. After doing his duty bravely at Pharsalia, Brutus was completely won over by the conqueror whom he followed in his conquests of Egypt and Asia. Caesar did all in his power to attach Brutus by granting him the pardon of some of the most deeply compromised of the Pompeians, and by assigning to him the government of one of the great provinces of the Empire, Cisalpine Gaul.

The character of his mind.

Won over by Caesar after Pharsalia.

Servilia, Cato's sister and Brutus' mother, was the object of one of Caesar's violent passions, and scandal said she was his mistress. She certainly retained her sway over him to her pecuniary advantage even after Pharsalia, and she did all in her power to draw her son close to Caesar. But a counter-influence came when Brutus married his cousin Portia, the daughter of Cato, who brought to her new home all of the passions of her father and first husband, Bibulus, added to her own hatred of the author

Caesar's love for his mother.

⁶⁴ *Ad Att.*, xiv, 1.

of all her misfortunes. Thus influenced from within, Brutus was assailed from without by the anti-monarchical elements eager to group themselves around a leader whose character and courage would give dignity and solidity to the cause.

His plans
manifest
after Pharsalia.

So long as Pompey and Caesar faced each other in arms as jealous rivals, those who suspected the former of a design to overthrow the constitution comforted themselves with the hope that the latter only aspired to a temporary dictatorship. But after Pharsalia, that illusion vanished when it became plain that the victor intended to found a new and monarchical system. While it is impossible to trace the details, it seems to be clear that such a menace generated opposition not only among the senatorial party discomfited by the overthrow of Pompey, but among Caesar's own generals who were jealous of his dazzling ascendancy. Thus it was that while Cassius was meditating his murder on the banks of the Cydnus, Trebonius had been almost in the act of making way with him at Narbonne.

Brutus the
Hamlet of
Roman
politics.

Cicero his
tutor.

The greatest need of the two disconnected groups of opponents to the regent was a leader who represented not only a name but a principle; "one who should represent the Republic and liberty without any personal reservations."⁶⁵ The ideal man was Brutus, who, when we consider his gloomy habits, his introspective mind, his fanatical republicanism, his peculiar relations to his mother's lover, his general popularity, may, without exaggeration, be called the Hamlet of Roman politics. No one did more to prepare Brutus for his mission than Cicero, who entered into the closest literary relationship with him. While only twenty-five of the letters between them sur-

⁶⁵ Boissier, p. 330.

vive, all written after the death of Caesar, the collection must have been extensive since a grammarian quotes the ninth book of them. In one work dedicated to him Cicero says: "Who was ever more respected and loved than you?"⁶⁶ In another, also dedicated to him, he says:

Brutus, I feel my grief revive when I look upon you and consider how the unhappy fate of the Republic has arrested the rapid advance to glory which we anticipated in your youth. This is the true cause of my sorrow, this is the cause of my cares and those of Atticus, who shares in my esteem and affection for you. You are the object of all our interest; we desire that you should reap the fruits of your virtue; our most earnest wishes are that the conditions of the Republic may permit you one day to revive and increase the glory of the two illustrious houses you represent. You ought to be master in the Forum and reign there without rival; we are, in truth, doubly afflicted, that the Republic is lost for you, and you for the Republic.⁶⁷

Under such influences, the younger man was continually brooding over the glory of that Brutus who had expelled the Tarquins, thus filling his mind with ideals drawn from the history of earlier times. The most notable of the philosophical works of Brutus, of which only brief fragments remain, was the treatise *On Virtue*, addressed to Cicero, an important passage from which has been preserved by Seneca,⁶⁸ the point of which is that as a man going into exile can take all his virtue with him, he must not complain. On the subject of patriotic duty he says in his letters:

Ideals drawn
from earlier
times.

Our ancestors thought that we ought not to endure a tyrant even if he were our father. . . . To have more authority than the laws and the Senate is a right that I would not grant to my father himself. . . . No slavery is advantageous enough to make me abandon the resolution to be free.⁶⁹

Patriotic
duty defined.

⁶⁶ *Orat.*, x.

⁶⁸ *Cons. ad Helv.*, ix.

⁶⁷ *Brut.*, 97.

⁶⁹ *Epis. Brut.*, i, 17; *ibid.*, i, 16.

Caesar's
return in
September,
45 B.C.

Such were the relations between Cicero and Brutus in the fall of 45 B.C., when Caesar returned to Italy, after having been engaged in Spain during the five months that followed the triumph at Munda in reorganizing the administration of that province. He had already granted an amnesty; and in order to show that the past was really forgotten he drew no distinction between his friends and his enemies, impartially recommending for office those whose position or services to the state entitled them to promotion. He even restored the statues of Sulla and Pompey which had been thrown down in the revolution; and he sent a pleasing compliment to Cicero concerning his *Cato*.⁷⁰

Brutus met
him at Nice.

It seems that Brutus went to meet the regent on his return from Spain, and at Nice made an oration before him in favor of old Deiotarus, king or tetrarch of Galatia, who had been accused of plotting upon a certain occasion against Caesar's life. Despite the spirited vehemence with which Brutus is said to have presented the case, he was not able to prevail for Deiotarus, and in that way Cicero was called upon to reargue the matter before the regent in the Pontifical Palace, probably in November.⁷¹ This was the last case the great advocate ever pleaded; and in his discourse he did his best to appeal to all that was noblest and gentlest in the demigod in whose honor a temple to Clemency had been erected. His last words were:

Cicero's last
oration as
an advocate.

I entreat you, O Caius Caesar, to consider that on this day your sentence will bring on those kings either most miserable calamity, accompanied with infinite disgrace, or an unsullied repu-

⁷⁰ There was a good deal about my *Cato*. He says that by repeatedly reading it he had increased his command of language. — *Ad Att.*, xiii, 46.

⁷¹ E. O. Schmidt, p. 362.

tation attended with safety; and to desire the one of those results would be an act of cruelty, to secure the other an action suitable to your clemency.⁷²

The regent simply postponed judgment with the intimation that when he undertook the Parthian campaign, then in contemplation, he would pursue the inquiry on the spot. Before the close of the year Caesar was the guest of Cicero at his villa near Puteoli, the former having come to that neighborhood to visit the mother and stepfather of Octavius whose designation as heir was still unknown even to the youth's nearest relatives. In describing the visit to Atticus the orator said:

Caesar his
guest at
Puteoli.

Well, I have no reason after all to repent my formidable guest! For he made himself exceedingly pleasant. But on his arrival at the villa of Philippus on the evening of the second day of the Saturnalia [which began on December 17], the villa was so choke full of soldiers that there was scarcely a dining-room left for Caesar himself to dine in. Two thousand men, if you please! I was in a great taking as to what was to happen the next day; and so Cassius Barba came to my aid and gave me guards. . . . After two, he went to the bath. Then he heard about Mamurra [his old chief of engineers who had died] without changing countenance. He was anointed; took his place at the table. He was under a course of emetics,⁷³ and so ate and drank without scruple and as suited his taste. It was a very good dinner, and well served, and not only so but

The dinner.

Well-cooked, well-seasoned food, with rare discourse:
A banquet, in a word, to cheer the heart.⁷⁴

. . . . We didn't say a word about politics. There was plenty of literary talk. In short, he was pleased and had a good time.⁷⁵

On December 31, the consul Fabius Maximus died suddenly, whereupon an "election" was held immediately,

⁷² *Pro Rege Deiot.*, 15.

⁷³ A process that held somewhat the place in medical treatment that bleeding did a century ago.

⁷⁴ Verses of Lucilius.

⁷⁵ *Ad Att.*, xiii, 52.

A mockery of the ancient constitution.

and Caninius Rebilus was named by the regent in the afternoon to an office that continued only through the remainder of the day. In the midst of the raillery and indignation provoked by such a mockery of the ancient constitution Cicero wrote to Curius:

No one breakfasted during the consulship of Caninius.

Though these things are painful even to hear of, yet after all hearing is more bearable than seeing. At any rate you were not on the Campus Martius when, the *comitia* for the quaestors being opened at seven o'clock in the morning, the curule chair of Q. Maximus—whom that party affirmed to be consul—was set in its place, and then on the death being announced was removed: whereupon Caesar, who had taken the auspices as for a *comitia tributa*, held a *comitia centuriata*, and between twelve and one o'clock announced the election of a consul to hold office till January 1, which was the next day. Thus I may inform you that no one breakfasted during the consulship of Caninius. However, no mischief was done while he was consul, for he was of such astonishing vigilance that throughout his consulship he never had a wink of sleep. You think this a joke, for you were not here. If you had been you would not have refrained from tears.⁷⁶

Nothing could illustrate more vividly than this incident the extent to which the regent had abolished in his own interest everything but the form of popular election, the choice of consuls and praetors being made by him several years in advance.

While the hearts of those who still clung to the past were being fired by such open mockeries of the sovereign dignity of the state in the ancient assembly of the people, the Senate added fuel to the flame by inventing fresh titles and conferring fresh powers upon one who was king in fact but not in name, the Roman people being still sensitive about names. After making Caesar dictator for life,⁷⁷ and, as the surviving organ of the Republic, bestow-

⁷⁶ *Ad Fam.*, vii, 30.

⁷⁷ *Dio*, xliv, 8; *App.*, *B. C.*, ii, 106.

ing upon him all the essentials of monarchy, the Senate voted next that he should really be king, offering him tentatively the crown. When he refused, thus avoiding what appeared to be a snare, Dio says they employed someone to place a diadem on the head of his statue which stood upon the Rostra. On January 26, as he rode through the streets, he had been saluted as king by the mob.⁷⁸

Caesar saluted as king,
January 26,
44 B.C.

The matter assumed, however, a more serious form at the ancient carnival of the Lupercalia, on February 15, when the regent, robed in his consular purple, and wearing a wreath of bay, wrought in gold, was approached by his colleague in the consulship, Antony, who placed a tiara on his head, saying: "The people give you this by my hands."⁷⁹ It may be that this was deliberate stage play suggested by Caesar who, after announcing in a loud voice "that the Romans had no king but God," ordered that the tiara should be placed on the statue of Jupiter Olympus on the Capitol.

The stage
play of
February 15,
carnival of
Lupercalia.

But such declarations did not mislead the vengeful coterie who were now driving Brutus on to action; their bitter words of denunciation for the master and his satellites had in them what Cicero calls "the bite of liberty which never tears better than when she has been muzzled for a season."⁸⁰ They knew that the time for action had arrived, and upon Cassius, the man of a party, the man who embodied the envenomed hate of the vanquished aristocracy, devolved the task of nerving the arm of the man of conviction, who loved the person of the Dictator while

Cassius as a
nerve force.

⁷⁸ When the tribunes put some of the offenders into prison Caesar passed a law deposing them and expelling them from the Senate. Then it was that he said he had given a weapon to his enemies. — App., *B. C.*, ii, 108; Suet., *Caes.*, 79; Dio, xlv, 10.

⁷⁹ Cf. II *Phil.*, 34; Sihler, *Annals of Caesar*, pp. 256 sqq.

⁸⁰ *De Off.*, ii, 7.

hating his system. Upon him the whole enterprise depended.⁸¹

His insidious
appeals to
Brutus.

When the conspirators strove to win accomplices, the answer came from every side: "We will join you if Brutus will lead us." After the feast of the Lupercalia, when he could no longer doubt Caesar's intentions, his brother-in-law Cassius "took him by the hand" and said:

"What shall we do if Caesar's flatterers propose to make him king?" Brutus answered that he purposed not to go to the Senate. "What," replied Cassius, "if we are summoned in our capacity as praetors, what must we do then?" "I will defend the Republic," said the other, "to the last." "Will you not then," replied Cassius, embracing him, "take some of the senators, as parties to your designs? Do you think it is worthless and mercenary people, or the chief citizens of Rome who place on your tribunal the writings you find there? They expect games, races, or hunting spectacles from the other praetors; what they demand of you is that you should restore liberty to Rome, as your ancestors did."⁸²

Brutus be-
comes at last
the head.

Thus won over, Brutus became at last the head, the leader, of a conspiracy that had been designed by Cassius, the imperious and testy aristocrat, the daring and skilful military chief who, after rescuing the remains of the army of Crassus, had driven the Parthians from Syria. By the side of Brutus and Cassius as leaders of what remained of the beaten aristocracy, stood the great military chiefs like Labienus, Trebonius, and Decimus Brutus, who had been enriched by Caesar's bounty, and two of whom were about to receive fresh favors in the immediate future. It is said that of the sixty senators in all who were parties to the immediate conspiracy, nine-tenths were members of the

⁸¹ Plutarch (*Brut.*, 9) says: "From the beginning there was in the nature of Cassius a certain ill-will and hostility to the kingly tribe," which he illustrates by an anecdote.

⁸² App., *B. C.*, ii, 113.

old faction whom Caesar had pardoned, and who, of all his acts, resented most that he had been able to pardon them.

He was to set out in a few days for Parthia; the ides of March (the 15th of the month) were at hand, on which day there was to be an important meeting of the Senate; and it was rumored that after the *pontifices* had brought forward an old sibylline oracle which said that the Parthians could only be conquered by a king, that title was to be demanded for Caesar.⁸³ On the evening before, the plan of action for the next day was arranged at a supper given at the house of Cassius, to which Cicero was not invited. The same evening when Caesar was at supper at the house of Lepidus, the conversation turned on what kind of death was most desirable. The predestined victim, who was signing papers while the rest were talking, looked up and said, "a sudden one."

The ides of March.

Supper at the house of Cassius.

It is impossible to know whether Cicero was actually present in the Senate, sitting in the curia of Pompey, at the moment of Caesar's assassination. Certain it is that he was not one of the actual conspirators. He was not invited to the supper at the house of Cassius the night before, a fact that goes far to confirm Plutarch, who says expressly that the plot was concealed from him —

7
1

Cicero not one of the actual conspirators.

. . . . lest to his own disposition, which was naturally timorous, adding now to the wariness and caution of old age, and by his weighing as he would every particular that he might not make one step without the greatest security, he should blunt the edge of their forwardness and resolution.

And yet Brutus seems to have looked upon him as the very embodiment of the ancient constitution he was defending because, as the senator rushed into the Forum, waving his

⁸³ Suet., *Caes.*, 79.

But immediately ratified all that had been done.

dagger red with Caesar's blood, he shouted the name of Cicero, and congratulated him, as the representative of the Republic, upon the restoration of liberty. That Cicero immediately ratified and approved all that had been done we know, first, from his telegraphic letter to Basilus, in which he says :

I congratulate you! For myself I am rejoiced! I love you. I watch over your interests: I desire to be loved by you and to be informed of how you are, and what is being done; ⁸⁴

and, secondly, from the statement in the Second Philippic, where he says :

For what is the difference between a man who has advised an action, and one who has approved of it? or what does it signify whether I wished it to be done, or rejoice that it has been done? Is there anyone then, except you yourself and those men who wished him to become a king, who was unwilling that that deed should be done, or who disapprove of it after it was done? All men, therefore, are guilty as far as this goes. In truth all good men, as far as it depended on them, bore a part in the slaying of Caesar. Some did not know how to contrive it, some had not courage for it, some had no opportunity—everyone had the inclination. ⁸⁵

Made himself an accessory after the fact.

Of course it never occurred to Cicero, obedient as he was to the political ethics of his age, that regicide in defense of liberty could be considered a crime. He exulted in such an act as the most glorious in the annals of fame, and did all in his power to make himself an accessory after the fact. In subsequent letters he said that—

. . . . though everything goes wrong, the ides of March console me. But our heroes have done gloriously and nobly what depended on themselves to do. What remains requires money and resources, of both of which we are destitute.

⁸⁴ *Ad Fam.*, vi, 15.

⁸⁵ *II Phil.*, 12.



DEATH OF CAESAR IN THE CURIA POMPEII. From the painting by Gerome.

And in a letter to Cassius, he exclaims,

Oh, that you had invited me to the feast of the ides of March: there would have been no remains!⁸⁶

that is to say, Antony would not have escaped.

The only thing that seems to have displeased Cicero was the lack of foresight, the lack of prearranged plan upon the part of the conspirators. He said "They had acted with manly courage, but childish judgment: *animo virili, consilio puerili*."⁸⁷ The theory upon which they had acted was that the Roman people were being held in bondage by a tyrant whose death would set them free. But when the deed was done, and the conspirators rushed out of the Senate-house brandishing their swords and calling upon the people to assert themselves, they simply listened with surprise, but without anger or sympathy.

Cicero deprecated the lack of plan and foresight.

Under such conditions the tyrannicides, after the mob, unmoved by the cry of liberty, had refused to hail them as deliverers of their country, after speeches by Brutus and Cassius made in a *contio* had received only a cold response, after it was plain that the fire would not kindle, deemed it prudent to shelter themselves in the Arx of Rome, while Lepidus came with troops and occupied the Forum. At that moment when it was plain "that the people would not respond," it was Cicero's idea that the Senate should have been convoked in order that favorable decrees might have been extorted from its fears. On April 19 he wrote to Atticus:

Tyrannicides sought shelter in the Arx.

Lepidus occupied the Forum.

Do you not remember that on that very first day of the retreat upon the Capitol I claimed that the Senate should be summoned into the Capitoline temple? Good heavens, what might have been

⁸⁶ *Ad Fam.*, xii, 4: "Vellem Idibus Martiis me ad caenam invitasses; reliquiarum nihil fuisset."

⁸⁷ *Ad Att.*, xv, 4.

effected then, when all loyalists — even semi-loyalists — were exultant, and brigands utterly dismayed.⁸⁸

The old citizenship not asleep, but dead.

What neither Cicero nor Brutus could understand was that the Roman citizenship, from which the ancient republican constitution had drawn the breath of life, had ceased to exist—it was not asleep, it was dead. It had disappeared in the disintegrating process through which the old city-republic had been transformed into a military empire. As Appian had expressed it:

Appian's statement.

For a very long time the Roman people was only a mixture of all the nations. The freedmen were confounded with the citizens, the slave had no longer anything to distinguish him from his master. In a word, the distributions of corn that were made at Rome gathered the beggars, the idle, and the vagabonds from all Italy.⁸⁹

Froude's insight.

In the words of one whose insight is often unclouded by prejudice or passion: "In the army only remained the imperial consciousness of the honor and duty of Roman citizens. To the army, therefore, the rule was transferred."⁹⁰ Naturally the very powerful body of veterans, many of whom were then awaiting assignments of land in Rome, refused, even with more emphasis than the people in general, either to approve or condone the act by which the head of the new monarchical system had been removed. And some of the best and wisest recognized the fact that the collapse of the old constitution had been so complete that Caesar's substitute was an absolute necessity, possibly a beneficent necessity. Cicero's clear-visioned friend Matius, whose villa he visited early in April, went so far as to say that if Caesar's genius had failed to provide anything better, who could hope to

Caesar's substitute a necessity.

⁸⁸ *Ad Att.*, xiv, 10.

⁸⁹ *De Bell. Civ.*, ii, 120.

⁹⁰ Froude, *Caesar*, p. 430.

improve on what he had done? In a letter written to Atticus on April 7, the orator says:

I have come on a visit to the man, of whom I was talking to you this morning [Caius Marius]. His view is that "the state of things is perfectly shocking: that there is no way out of the *embroglio*. For if a man of Caesar's genius failed, who can hope to succeed?" In short, he says that the ruin is complete.⁹¹

The ruin of the old republican constitution was complete, and the only two questions that remained were these: first, to what extent and in what form should the new Caesarean system survive; second, who should be Caesar's heir? Cicero was among the first to perceive the actual condition of things. On April 11 and 18 he wrote to Atticus:

You see, after all, the tyrant's hangers-on in the enjoyment of the *imperium*, you see his armies, his veterans on our flank. . . . Good God! the tyranny survives though the tyrant is dead.⁹²

"The tyranny survives though the tyrant is dead."

⁹¹ *Ad Att.*, xiv, 1.

⁹² *Ibid.*, xiv, 5, 9.

CHAPTER X

THE DUEL TO THE DEATH WITH ANTONY

Caesar's
adoption of
Octavius.

CERTAINLY Caesar expected his military monarchy to survive him and to become hereditary in his family. The childless regent took the first step in that direction when he adopted Octavius, the son of his niece, Atia; the second, when on September 13, 45 B.C., he drew up his will and placed it in the hands of the chief Vestal Virgin, making Octavius his universal heir.¹

Career of
Antony.

The most formidable foe to that plan was Marcus Antonius, generally known as Mark Antony, who quickly resolved to seize the purple of his fallen benefactor and to make himself his heir. Antony, whose stepfather Lentulus had been put to death by Cicero as one of the Catiline conspirators, began a new career in Gaul when in 54 B.C. he was welcomed by Caesar, who, in order to make him more efficient as a promoter of his ambitious designs, elevated him to the offices of quaestor, augur, and tribune of the *plebs*, in the last of which he displayed marvelous boldness and dexterity in upholding his patron's cause against the intrigues and violence of the Pompeian party.

After the Rubicon was crossed, Antony shared his master's triumphs, being second in command at Pharsalia, and deputy-governor of Italy during Caesar's long absences in Spain and Africa. At the opening of the

¹ Suet., *Caes.*, 83. Three-fourths of the estate was thus bequeathed to Octavius, an eighth to L. Pinarius, an eighth to Q. Pedius. The Vestals were frequently made the custodians of wills.—Tac., *Ann.*, i, 8; Plut., *Ant.*, 58.



MARK ANTONY. The Vatican.

year in which the assassination occurred, the regent assumed the consulship with Antony as his colleague, thus leaving him at the head of the state when he died. Armed with that authority the senior consul, after he had recovered from the terror inspired by the fear that he was to be the next victim, removed the public funds, amounting to the enormous sum of seven hundred million sesterces (\$30,800,000), according to Cicero,² from the Regia and the temple of Ops to his own house in the Carinae. Then, after gaining possession of Caesar's papers which Calpurnia, acting apparently under her father's counsel, willingly handed over to him, called by edict a session of the Senate which met in the temple of Tellus on March 17, probably before daybreak. He had already won over Lepidus, who in the night following the assassination had occupied the Forum with the legion stationed on the island in the Tiber, by promising him the office of *pontifex maximus* made vacant by Caesar's death, and the marriage of his daughter to Lepidus' son.

Head of the state at Caesar's death.

Meeting of the Senate on March 17.

The approaches to the Senate were carefully guarded by soldiers when it met in the memorable session in which Cicero, "who laid the foundations of peace," proposed a general amnesty, including of course the slayers of the regent, conceding at the same time Antony's demand that all the appointments made and directions given by the regent should stand. Piso, Caesar's father-in-law, then proposed that the contents of his will, still in the custody of the Vestal Virgins, should be published, and that he should be given a public funeral. To both resolutions the Senate agreed. As Antony was then in possession of Caesar's papers, the land assignments for his veterans were of course to be carried out.

Cicero proposed a general amnesty.

Caesar's will and funeral.

² II *Phil.*, 37.

Truce between regicides and Caesarians.

Athenian settlement of 403 B.C.

Necessity for the reestablishment of peace and order.

It is not from Appian but from Dio³ that we derive the elaborate and probably no more than traditional version of the words used by Cicero in the senatorial peace parley of March 17, when a hollow truce was proclaimed between the regicides and the Caesarians. After assuring them that there was no mandate of military power to control their deliberations, no restraint upon the freedom of action or debate, the orator appealed to all factions to put aside feuds and bickerings, knowing as they must the curse of such divisions. Then, after a review of Roman political history, in which he spoke of Saturninus, Glaucia, the Gracchi, of Marius and Sulla, of Sertorius and Pompey, he made emphatic reference to the Athenian settlement, the act of amnesty of Thrasybulus, after the fall of the Thirty Tyrants, in 403 B.C.,⁴ through which Athens won back prestige and power abroad and reestablished peace and order at home. They should decide at once, he said, because signs of a fresh conflict were already visible.

Caesar is slain. The Capitol is occupied by the optimates, the Forum by soldiers, and the people are full of terror. Is violence to be again answered by more violence? These many years we have lived less like men than like wild beasts in cycles of warring revenge. Let us forget the past. Let us draw a veil over all that has been done, not looking too curiously into the acts of any man. Much may be said to show that Caesar deserved his death, and much against those who have killed him. But to raise the question will breed fresh quarrels; and if we are wise we shall regard the scene we have witnessed as a convulsion of nature now at an end. Let Caesar's ordinances, let Caesar's appointments be maintained. None such must be heard of again. But what is done cannot be undone.⁵

³ xliv, pp. 23 *sqq.*

⁴ Xenophon, *Hell.*, ii, 4, 43.

⁵ Froude's abridgment of Dio, who gives no more than the traditional version. — *Caes.*, pp. 423-29.

The conspirators, who were then invited to come down from their stronghold on the Capitol, refused to do so until Antony and Lepidus each sent a son to them to be held as hostages for their security. As an evidence that a real reconciliation had been effected, a dinner was given that night to Cassius by Antony, and to Brutus by Lepidus.

Futile attempt at reconciliation.

It was probably on March 18 that Antony, whose genius for oratory was inherited from a famous father, conducted the public funeral of the regent, whose body was brought from his palace, where it had been lying since the evening of the assassination, down to the Forum and placed upon the Rostra⁶ with the blood-soaked toga still wrapped about it. As a part of the stage setting a wax effigy of the murdered Caesar was raised and turned in all directions by a mechanical device in such a way that the people could see for themselves the twenty-three wounds inflicted on the body as well as on the face of the unvengeful hero who had done so much for his country.⁷

Caesar's funeral conducted by Antony.

Wax effigy displaying the wounds.

First the will was read in which it was provided not only that his gardens on the Tiber should be held as a perpetual pleasure ground for all Romans, but that each citizen should receive a personal legacy of seventy-five drachmas. Next it transpired that after Octavius,⁸ as a second heir, he had actually named Decimus Brutus, one of those who had betrayed him. Then it was that Antony came forward to speak of Caesar's ancestry, his personal traits, his generosity as a friend, his forbearance as an

Reading of the will.

The panegyric.

⁶ According to the Roman archaeologist Boni, the remains of it have been recently discovered. See Vaglieri, *Gli scavi recenti nel Foro Romano*, Rome, 1903, pp. 152ff.

⁷ App., ii, 147.

⁸ In a codicil Caesar had adopted Octavius as his son. — Suet., *Caes.*, 83; Vell., ii, 59; Liv., *Per.*, 116; Dio, xliv, 35.

enemy, and above all of his services to the state, of his campaigns in Spain, Gaul, Britain, Asia, Egypt, and Armenia. He had labored for peace with Pompey, Antony said, but Pompey preferred to go into Greece in order to array the powers of the East against his country, perishing in an attempt so unworthy. And yet Caesar took no revenge. He praised and rewarded those who had been faithful to Pompey, and treated his murderers as they deserved. To use Dio's words, there was in him an "inbred goodness" (ἐμφυτὴ χρηστότης); he was never carried away by anger, never spoilt by success.

To you he was consul; to the army, imperator; to the enemies of his country, dictator. In a word he was *Pater Patriae*. And this your father, your Pontifex, this hero, whose person was declared inviolable, lies dead—not by disease or age, not by war or visitation of God, but here at home, by conspiracy within your own walls, slain in the Senate-house, the warrior unarmed, the peacemaker naked to his foes, the righteous judge in the seat of judgment.^{8a}

Declaration
of war
against the
regicides.

This carefully prepared declaration of war against the regicides from one who had, for a moment, dissembled, proved to be the turning-point of the crisis. Such a storm of passion was aroused that after the body had been burned on the Forum, amid a frenzy of tributes that amounted to a popular ovation, the unhappy Helvius Cinna, one of the tribunes whose name was mistaken for that of the praetor Cinna, who had spoken in a scornful way of the memory of Caesar, was seized by the mob and torn to pieces on the spot. The houses of the principal conspirators were then given to the flames.⁹ It was no longer a matter of doubt which side the populace would take; they believed, according to Suetonius, that the dead

Their houses
burned.

^{8a} Dio, xliv, 48.

⁹ App., *B. C.*, ii, 147.

Caesar was a god who had returned to heaven where his star had been seen ascending.¹⁰

In such an atmosphere it was impossible for the conspirators to live; paralyzed with fear, they thought only of flight. Such of them as Marcus Brutus, Decimus Brutus, Cassius, Cimber, and Trebonius slipped away to the provinces the regent had assigned them, while the rest sought shelter in the shadows of their friends. With their subsequent histories we are not directly concerned. What remains to be said will be confined to the duel to the death between Cicero and Mark Antony. After the latter, by his consummate art and eloquence, had driven from Rome those who had planned and executed the assassination of Caesar, but one real gladiator remained in the arena, a gladiator who resolved to defend alone the fallen Republic in its death agony and to go down with it into the grave, as the last and noblest champion of Roman freedom. Cicero drew a perfect picture of himself when, in the Third Philippic, he said:

Leaders
slipped
away.

?

Cicero the
champion of
the fallen
Republic.

And now (may the immortal gods avert the omen!) if the last hour of the Republic has arrived, let us, the foremost men of all the world, resolve like brave gladiators to perish with honor. Let us prefer to fall with dignity rather than live on like slaves in ignominy.¹¹

During the five months and more that intervened between the death of Caesar and the meeting in September of the Senate in which the great orator pronounced the First Philippic, Antony, senior consul and official head of the state and army, did his utmost to draw into his own hands every resource, financial, political, and military,

¹⁰ "In deorum numerum relatus est non ore modo decernentium sed persuasione vulgi."

¹¹ III *Phil.*, 14.

which the regent had possessed as such. Not content with seizing the public funds deposited in the Regia and temple of Ops, and all the papers of Caesar in possession of Calpurnia, he invented a convenient device through which he forced the new divinity to issue edicts and other documents even after death. By securing the cooperation of the late secretary Faberius¹² he was able to issue a variety of forged edicts and orders, and to sell appointments, franchises, and titles in the nature of testamentary papers, declaring that he had found them in the regent's archives. Edicts of which no one had ever heard were engraved on brass tablets and hung up in the usual way on the Capitol, thus tempting Cicero to declare that Antony was able to do more in the name of Caesar dead than Caesar himself could or would have done if alive: "Though the king is slain, we pay respect to every nod of his majesty."

Acts done in
the name
of the dead
Caesar.

Antony's ap-
peal to Cicero
in behalf of
Sextius
Clodius.

Antony, who left Rome in April, not returning until after May 15, asked of Cicero in the interval to consent to the restoration of Sextius Clodius, of whom he was now the stepfather, from an exile that had lasted already eight years, claiming even in this case to act in accordance with a memorandum found among Caesar's papers. In reply the orator said:

Of course my dear Antony, I give you my free consent, besides acknowledging that by expressing yourself as you have done you have treated me with the utmost liberality and courtesy.¹³

Allusion was no doubt made to that part of Antony's letter in which he had said:

Although your fortunes, my dear Cicero, are now, I feel assured, removed from every danger, nevertheless I think you would prefer

¹² App., iii, 5; *Ad Att.*, xiv, 12, 1.

¹³ *Ibid.*, xiv, 13.

spending a peaceful and honored old age rather than one full of anxiety. Finally, I claim a right to ask this favor of you myself; for I have omitted nothing that I could do for your sake.¹⁴

In estimating Cicero's subsequent struggles and sacrifices for the Republic, resulting in his death, it should never for a moment be forgotten that if he had been willing to sacrifice his convictions to his interests, the "peaceful and honored old age" thus assured him would have been beyond all question. Not until after Antony had thrown off the mask behind which, for a time, he dissembled, intimating that he would act as a patriot, and heal the innermost wounds from which the Republic was dying, did Cicero arouse himself to a course of patriotic conduct that exceeded in unselfish devotion even the great part he had played in crushing the conspiracy of Catiline. On June 7 he went by sea to Antium for a notable political conference with Brutus (the first meeting since the evening of the ides), who was attended by his mother Servilia, and his wife Portia, and also by Tertulla, the wife of Cassius and sister of Brutus, by Favonius, and other friends.¹⁵ While they were discussing the best course to adopt, Cassius himself arrived; and after an utter want of plan had been disclosed, it was resolved that Brutus should use a commission he had to purchase grain in Asia as a pretext for leaving Italy; Cassius, who scorned to go to Sicily in that capacity, resolving to cross over to Achaea. Just before sailing for Greece in July, Cicero wrote to Atticus:

He could have secured a "peaceful and honored old age."

Meeting with Brutus at Antium.

Cicero sails for Greece.

I am leaving peace to return to war; and the season which might have been spent in my favorite country places — so beautifully built and so full of charm — I am to waste on a tour abroad. The consolations are that I shall either do my son good, or make

¹⁴ *Ad Att.*, xiv, 13.

¹⁵ *Ibid.*, xv, 10.

up my mind how much good he is capable of receiving. In the next place you will, as I hope and as you promise, soon be there. If that happens things will go better with me.¹⁶

Plans
changed by
news from
Antony.

But the winds and the waves were against him; never more was he to leave his beloved Italy. While he was waiting for a favorable breeze at the villa near Rhegium,¹⁷ all his plans were changed by news brought by friends announcing Antony's purpose to call a meeting of the Senate for September 1, appearing as if he were anxious to effect a reconciliation with Brutus and Cassius. A copy of a speech recently made by the consul to the people was then handed to Cicero, of a temper so pleasing that he resolved to return to Rome, where he arrived on the last day of August. Plutarch tells us that as he approached the city multitudes flocked out to meet him, and that the whole day was spent in receiving the compliments and congratulations of his friends as he passed along towards his great house on the Palatine.

His unique
position.

His position at this juncture was at once unique and imposing. Nearly all of the great actors contemporary with him had passed from the stage, many of them to bloody graves. His commanding intellect and reputation qualified him in a peculiar way for the unofficial leadership the Roman Senate and people were soon to thrust upon him. As the life and soul of the opposition to Antony he was to become the spokesman of those who called themselves, as Appian tells us, the Ciceronians—those who still clung to the traditions of the Republic

The
Ciceronians.

¹⁶ *Ad Att.*, xvi, 3.

¹⁷ Afterwards, in describing these experiences, he said: "Enraged at the position of affairs, and despairing of freedom, I was on the point of hurrying off to Greece, when the Etesian winds, like loyal citizens, refused to further me in my desertion of the Republic, and a south wind, blowing in my teeth, carried me back by his strong blast to your fellow-tribesmen of Rhegium." — *Ad Fam.*, xii, 25.

and to the principles of the ancient constitution.¹⁸ The Roman mob and the veterans who attended Caesar's funeral, driving the regicides from the city, may have represented the largest but not the only element in the population. Public opinion among the Romans of Italy never wavered in its devotion to the republican cause until put down by armed force. About the middle of April Cicero writes:

In the country towns they are jumping for joy. In fact I cannot describe to you how rejoiced they are, how they flock to see me, how eager they are to hear me speak on the state of the Republic.¹⁹

Feeling in
the country
towns.

After Dolabella, the colleague of Antony in the consulship, had ordered a pillar to be thrown down, which had been erected in the Forum to the memory of Caesar on the spot where his body was burnt, and had executed the ringleaders of a riot that ensued, Cicero on May 1 wrote:

My admirable Dolabella! For now I call him mine. Before this, believe me, I had my secret doubts. It is indeed a notable achievement—execution from the rock, on the cross, removal of the column, the contract given out for paving the whole spot.²⁰

"My ad-
mirable
Dolabella."

Some months later he wrote:

Though the Senate is courageous, it is the lowest in rank that are most so. Nothing, indeed, can be firmer or better than the temper shown by the people and by the whole of Italy.²¹

Cicero was met at Rome by the news that Antony had thrown off the mask and had ceased to dissemble;

Antony
throws off
the mask.

¹⁸ "Cicero was a conservative republican, belonging to the middle class; a lawyer by temperament as well as by profession, and as passionate a constitutionalist as Burke." — Herbert Paul, *Men and Letters*, p. 244.

¹⁹ *Ad Att.*, xiv, 6.

²⁰ *Ibid.*, xiv, 15. In the absence of Antony (*II Phil.*, 42) Dolabella had pulled down the memorial column (*I Phil.*, 2), crucified those of the rioters who were slaves, and hurled from the Tarpeian rock some who were free.

²¹ *Ad Fam.*, xii, 4.

Threatens
Cicero.

that he had announced his purpose to propose in full Senate a public thanksgiving in honor of Caesar's memory. Feeling that he could not, without the grossest hypocrisy, support a motion by which the dead regent would be almost deified; and being unwilling to be forced into a position that would make him odious to the veterans, the orator simply absented himself upon the ground that he had not recovered from the exhaustion incident to his rapid journey. Whereupon Antony became so enraged as to declare in the Senate, after intimating that Cicero was planning an attempt upon his life and was slandering and insulting him, that if he did not appear he would use all his consular powers to bring him by force, and that if he resisted he would even send soldiers and smiths to break down the doors of his house.²²

First
Philippic.

While smarting under that bitter insult, the orator did attend the next day, September 2, and delivered the first of the fourteen immortal orations against Antony, called originally, as they should have been, Antonian Orations (*Orationes Antonianae*), a little afterwards changed by the orator himself to Philippics, half in jest and half seriously, in memory of the orations of Demosthenes against Philip.²³ Juvenal, who wrote within a century of Cicero's time, called them "*divina Philippica*." When the First Philippic is contrasted with the gorgeous and burning denunciation that followed it may be said to be a grave, dignified, and self-restrained criticism of Caesar's acts

²² I *Phil.*, 5. Ferrero says, "The smiths were intended to break down the doors, and not to destroy the house, as some historians explain." — vol. iii, p. 98, note †.

²³ In the spring of 43 B.C., Brutus, referring to Philippics v and x, wrote to Cicero: "You are, of course, waiting for my praise of them at this time of day! I cannot decide whether it is your courage or your genius that is the most admirably displayed in these pamphlets. I quite agree in their having even the title of Philippics, by which you jestingly describe them in one of your letters." — *Epist. ad Brut.*, ii, 5.

and Antony's policy, without being a declaration of war. It was firm but conciliatory; it urged peace, and offered compromise. And yet he had said enough against the consul to settle the fact that he left the Senate his declared enemy.

The bitter Ciceronian gibes, especially those relating to the forged documents, so incensed Antony that he retired for two weeks to the villa of Metellus Scipio at Tibur, the modern Tivoli, where, with the aid of a rhetor, he formulated his reply to Cicero which he delivered in the Senate on the 19th. In this violent invective, limited in the main to the orator's public life, he began his charges with the events connected with the conspiracy of Catiline and ended with the accusation that he had actually organized the conspiracy for the assassination of Caesar.²⁴ Not wishing to give way to his anger and fearful of the machinations of Antony and his veterans, Cicero prudently remained away on that day. He afterwards declared that if he had not taken that precaution, he would have been murdered by the soldiers on guard even within the walls of the Senate-house.

Antony's
reply.

There can be no doubt that this sudden change of front upon the part of Antony was prompted by the necessity of fixing more firmly his leadership of the Caesarians, who were inclined to drift to the real heir, Octavianus, the grandson of Caesar's sister Julia, who at the time of his uncle's death was at Apollonia in Epirus. After his arrival at Naples in April he sought an interview with Cicero at Cumae, where he did all in his power to win him to his cause. On the twenty-second of the month Cicero wrote:

Arrival of
Octavianus.

Meets Cicero
at Cumae.

²⁴ II *Phil.*, 12; *Ad Fam.*, xii, 2. Cicero says in that letter, "He accuses me of being the instigator of Caesar's assassination, with no other motive than that of inciting the veterans against me."

Octavius here treats me with great respect and friendliness. His own people addressed him as "Caesar," but Philippius did not, so I did not do so either.²⁵ I declare that it is impossible for him to be a good citizen.²⁶ He is surrounded by such a number of people who even threaten our friends with death. He says the present state of things is unendurable. But what do you think of it, when a boy like that goes to Rome, where our liberators cannot be in safety?²⁷

Allies himself with republicans and appeals to the veterans.

When he did go to Rome, and found out there that Antony, who had appropriated his inheritance, was inclined to treat him with contempt, he proceeded at once to ally himself with the republicans. But what was more ominous, Octavian, who had just completed his nineteenth year, prompted his agents to incite the legions at Brundisium to abandon Antony, while he himself appealed to Caesar's veterans, settled on their lands in Campania, to come to his standard. The most important asset which the regent had left behind him, from a political point of view, was represented by thirty-six legions to whose training as fighting machines he had devoted the best energies of his life.

Value of professional soldiers.

Veteran soldiers were even more valuable in the ancient than in the modern world, for the reason that it was practically impossible to train short-service men in the use of the arms employed in those times, when a few professional soldiers could put to rout hosts of half-trained men. In organizing bodies of mercenary troops, Caesar had made it profitable to become a soldier, and along with self-interest and discipline, he had infused into his legions such personal devotion for himself that those

²⁵ Having been adopted in Caesar's will, the future Augustus was now properly Caius Julius Caesar Octavianus, the adjective form of his original name.

²⁶ Reading "bonum civem esse."

²⁷ *Ad Att.*, xiv, 12.

who had fought and conquered under him were not only eager to avenge his death, but to set aside the amnesty granted to those who had brought it about. It is not therefore strange that at a time when the struggles for the allegiance of the veteran legions were the pivots upon which every political movement turned, everybody should be inquiring as to the views the veterans might take. Nothing so vexed the soul of Cicero as the necessity for continually pandering to the feelings and interests of the veteran troops. In one of the Philippics he cries out:

What, in the name of all that is mischievous, is the object of always opposing the name of the veterans to every good cause? For even if I were attached to their virtue, as indeed I am, still if they were arrogant I should not be able to tolerate their airs. While we are endeavoring to break the bonds of slavery shall anyone hinder us by saying that the veterans do not approve of it?²⁸

Cicero denounces their influence.

And yet, sad as it was, the fact remained that after five civil wars since the year 49 B.C., a period of only five years, a sixth was about to begin whose outcome depended almost entirely upon what the veteran legions might approve or disapprove. No matter what Cicero, Antony, or Octavian might say, the event depended upon what the heaviest battalions resolved to do. Thus the center of gravity of the state had shifted. Under the old constitution those who aspired to supreme political power at Rome asked it at the hands of the citizens assembled in the Forum or Campus Martius; under the new Caesarian system such power had to be sought in the camps of the veteran legions.

Center of gravity of the state with the legions.

The Senate might remain as a Council of State; the magistrates might bear their old names, and administer their old functions. But the authority of the executive government lay in the loyalty,

²⁸ X *Phil.*, 9.

the morality, and the patriotism of the legions to whom the power had been transferred.²⁹

First struggle for the military power.

With a perfect appreciation of the value of the legions, Antony, who had been prompt to win Lepidus on the night of the ides, had ordered four of the Macedonian legions, the Second, Fourth, Thirty-fifth, and Martian, to cross the Adriatic; and in that way Octavian found them at Brundisium in October, 44 B.C., where the first struggle between the heirs of Caesar for the possession of the military power really began. In the hope of arousing the Caesarians to enthusiasm Antony inscribed upon the pedestal of a statue of Caesar on the Rostra the words *parenti optime merito*,³⁰ and on October 4 or 5 there was a rumor that he had discovered assassins in his house who admitted that Octavian had sent them to murder him. About the middle of the month Cicero wrote:

In short, I have great hopes of him [Octavian]. There is nothing he may not be expected to do for fame and glory's sake. Antonius, however, our whilom intimate friend, feels himself to be the object of such violent dislike, that though he caught the assassins within his doors he does not venture to make the fact public. On October 9 he set out to meet the four Macedonian legions, planning to win them over to his side by money-bounties, to lead them to the city, and station them as fetters on our necks.³¹

Antony's partial success.

When Antony appealed to these legions, even with "money-bounties," to follow him, he was only able to win over the Second and Thirty-fifth; and after he had inflicted a terrible punishment upon the Martian³² and the Fourth legions for their disaffection, both declared for Octavian after Antony had returned to Rome. In order to advance his military plans Antony had this month ob-

²⁹ Froude, *Caes.*, p. 396.

³⁰ *Ad Fam.*, xii, 3.

³¹ *Ibid.*, xii, 23.

³² *App.*, *B. C.*, iii, 43; *III Phil.*, 4.

tained from the people a law (*lex de permutatione provinciarum*),³³ directing an exchange of provinces by which Decimus Brutus was to be removed to Macedonia so that Antony himself could take his command in Cisalpine Gaul, given to him by Caesar and confirmed by the Senate after his death. Once in possession of that all-important post, and backed by a strong military force, the consul believed that he would have at his mercy not only the capital but the wide plains of the region now known as modern Lombardy.

A law for the exchange of provinces.

When Decimus Brutus refused to give up as governor of Cisalpine Gaul upon the ground that Antony's action was unconstitutional if not illegal, the consul collected all the forces that still remained faithful to him, and on November 20 left the city, and pressed northward, hoping to surprise and crush his adversary, whose large army consisted mainly of recruits not to be relied upon in the open field against veterans. For that reason, Decimus awaited the attack behind the powerful walls of the fortress of Mutina, where he was besieged by Antony until the following April. There the last stand was made for the Roman Republic; there the veteran legions completed the transfer of the sovereign power to the new military monarchy.

Decimus Brutus besieged by Antony at Mutina.

When Antony abandoned the capital for the siege of Mutina, the two arch enemies he left behind him were Cicero and Octavian. After the consul's violent speech of September 19, Cicero resolved to write a reply which would be not only a defense of himself but a flame-wreathed portrait of his adversary. The Second Philippic, which was intended only as a political pamphlet for publication, seems to have been prepared at his villa

Second Philippic.

³³ Livy, *Per.*, cxvii.

near Puteoli, where it was completed at the end of October, when it was sent to Atticus with a letter saying:

I am sending you my speech. As to whether it is to be locked up or published, I leave to your discretion. But when shall we see the day when you shall think it ought to be published?³⁴

The next day he wrote:

How I fear your criticism! And yet why should I? What care I for a speech which is not likely to see the light unless the Republic is restored?³⁵

This most brilliant and ferocious of all invectives, excepting perhaps the denunciation of Midias by Demosthenes, thus passed into the hands of the publisher, where it remained until early in December. On November 1 Cicero received an important letter from Octavian, the contents of which he repeats to Atticus:

Octavian
consults
Cicero.

He is entering upon a serious undertaking. He has won over to his side all the veterans at Casilinum and Calatia. And no wonder: he gives a bounty of 500 denarii apiece. Clearly, his view is a war with Antony under his leadership. So I perceive that before many days are over we shall be in arms. But whom are we to follow? Consider his name, his age.³⁶ Again, he demands a secret interview with me, at Capua of all places! It is really quite childish if he supposes it can be kept private. . . . He wanted my advice whether he should start for Rome with an army of 3,000 veterans, or should hold Capua, and so intercept Antony's advance, or should join the three Macedonian legions now sailing by the *Mare Superum*, which he hopes are devoted to him.³⁷

³⁴ *Ad Att.*, xv, 13.

³⁵ *Ibid.*, xv, 13.

³⁶ In the *Monumentum Ancyranum*, § 1, Octavian thus begins the record of his achievements: "When nineteen years old [he was born in September, 63 B.C.] I collected an army on my own account and at my own expense, by means of which I restored to liberty the Republic, which had been enslaved by the tyranny of a faction."

³⁷ *Ad Att.*, xvi, 8.

Cicero advised him to go to Rome.

He is advised
to go to
Rome.

For I think he will have not only the city mob, but, if he can impress them with confidence, the loyalists also on his side. O Brutus, where are you? What an opportunity you are losing!³⁸

When Octavian continued his attempt to draw Cicero to his side by asking for advice and senatorial initiative, the orator made excuses, which he thus explained:

I cannot trust in one so young; I am in the dark as to his disposition. I am not willing to do anything without your friend Pansa. I am afraid of Antony succeeding, and I do not like going far from the sea; and at the same time I fear some great *coup* without my being there. Varro, for his part, does not like the youth's plan. I do not agree with him. He has forces on which he can depend. He can count on Decimus Brutus, and is making no secret of his intentions. He is organizing his men in companies at Capua; he is paying them their bounty-money.³⁹

Has forces
on which he
can depend.

Desperately resolved to destroy Antony through a coalition with the republicans, headed by Cicero and Decimus, Octavian wrote daily letters to the former, appealing to him "to save the state for a second time,"⁴⁰ and to the latter promising to reenforce him with five legions. Against such promises stood the distrust excited by his recent speech in the Forum during which he extended his hands towards Caesar's statue and swore: "as surely as he hoped he might be permitted to attain to his father honors," a declaration that forced Cicero to say: "I would not even be saved by such a one."

In the midst of such conflicting interests and emotions the orator moved northward towards Rome, where at the end of November the drift was decidedly in favor of Octavian and against Antony, who seemed to have lost his hold there after his departure for Mutina. On De-

Drift in favor
of Octavian.

³⁸ *Ad Att.*, xvi, 8.

³⁹ *Ibid.*, xvi, 9.

⁴⁰ *Ibid.*, xvi, 2, 6.

cember 9 Cicero went into the city, and on the next day the new tribunes of the people, one of them the regicide Casca, took up office. In a few days they resolved to convoke the senate for December 20, a conclusion reached at the very moment when a great sensation was created in the capital by the news that Decimus had published an edict declaring that he would ignore Antony as governor of Gaul, and would continue to hold the province for the Senate.⁴¹

The supreme moment had arrived; a life and death struggle with the bold, able, and experienced Antony was at hand; there was a chance to overthrow the Caesarians and restore the Republic, if only a leader could be found equal to the emergency. There was but one leader possible and he was full of doubts and fears. There could be no hope of success without Octavian, who demanded the *imperium* of a proprætor; and certainly it was perilous to give official authority to a young man of nineteen bearing Caesar's name and with Caesar's veterans under his command. Under such conditions would the conqueror of Catiline undertake to save the Republic a second time?

Decisive
hour of
Cicero's life.

This was the decisive hour of his life, the moment of supreme audacity, of final self-sacrifice, or permanent glory. That morning (December 20) he took the decisive step; at the age of sixty-two, more capable of wielding the pen than the sword, the leader of that political world in which equivocation had reigned supreme for eight months, he plunged into the vast and unknown dangers which barred the progress of his generation, with an audacity which can only be regarded as heroic when his natural timidity and the terrible uncertainty of the situation are remembered.⁴²

Second
Philippic
published.

A week or more before, perhaps, Atticus had published the Second Philippic, destined to become an unrivalled

⁴¹ III *Phil.*, 4.

⁴² Ferrero, vol. iii, p. 124.

classic in all the rhetorical schools of the Roman and of the modern world—a tremendous outburst in which all the ferocity of tragedy, all the power of pathos united with all the resources of humor and mirth in an impeachment of Antony, whose crowning crime was his attempt to call back kings to Rome!

What can be more scandalous than for that man to live who placed a diadem on a man's head, when everyone confesses that that man was deservedly put to death who rejected it? And are you then diligent in doing honor to Caesar's memory? Do you love him even now that he is dead? What greater honor had he obtained than that of having a holy cushion, an image, a temple, and a priest? As then Jupiter, and Mars, and Quirinus have priests, so Marcus Antonius is the priest of the God Jūlius. Why then do you delay? Why are you not inaugurated? And what a life is it, day and night to be fearing danger from one's own people! Unless, indeed, you have men who are bound to you by greater kindnesses than some of those men by whom he was slain were bound to Caesar; or unless there are points in which you can be compared with him.

In that man were combined genius, method, memory, literature, prudence, deliberation, and industry. He had performed exploits in war which, though calamitous for the Republic, were nevertheless mighty deeds. Having for many years aimed at being a king, he had, with great labor and much personal danger, accomplished what he intended. He had conciliated the ignorant multitude by presents, by monuments, by largesses of food and by banquets; he had bound his own party to him by rewards, his adversaries by the appearances of clemency.

Antony contrasted with Caesar.

Why need I say much on such a subject? He had already brought a free city, partly by fear, partly by patience, into a habit of slavery. With him I can, indeed, compare you as to your desire to reign; but in all other respects you are in no degree to be compared to him. . . . Consider, I beg you, Marcus Antonius, do some time or other consider the Republic: think of the family of which you are born, not of the men with whom you are living. Be reconciled to the Republic. However, do you decide

on your own conduct. As to mine, I myself will declare what that shall be. I defended the Republic as a young man; I will not abandon it now that I am old. I scorned the sword of Catiline, I will not quail before yours. No, I will rather cheerfully expose my own person, if the liberty of the city can be restored by my death.⁴³

Third
Philippic.

Of a widely different character was the Third Philippic, delivered in the Senate on December 20, after Cicero had answered the question of questions by his resolve to accept the leadership and to risk everything in the effort to save the Republic a second time. It was a calm, wise speech, demanding neither peace nor war as necessary alternatives. It was an appeal to the Senate to commend Brutus for his edict, Octavian, "a youth, nay, almost a boy," for his public services in the enlistments, the two revolted legions for their action. At the close he proposed that there should be a repudiation of the distribution of the provinces as made by Antony on November 20, and that the governors then in office should be permitted to remain until successors could be appointed.

Fourth
Philippic.

After delivering his speech in the Senate, Cicero proceeded to the Forum, where he communicated his proposals to the people by a *contio*, known as the Fourth Philippic, in which he said that "the Senate has no longer been content with styling Antonius an enemy in words, but it has shown by actions that it considers him one." Thus the new head of the senatorial government put beyond all question the fact that Antony was no longer a Roman consul but a public enemy.

Ambassadors
to Antony,
January,
43 B.C.

After the new consuls, Hirtius and Pansa, had on January 1 of the year 43 B.C., delivered their speeches, Fufius Calenus asserted that Antony did not desire war,

⁴³ II *Phil.*, 34 *sqq.*

moving at the same time that ambassadors be sent to open peace negotiations with one who had now lost his official character. Servius Sulpicius and Publius Servilius then followed, proposing that Octavian should be given the command of an army with the rank of *propraetor*, and that he should be eligible for offices as if he had held already the *quaestorship*.

Realizing that the republican cause could only be advanced by revolutionary methods, Cicero met the situation thus presented by the furious assault upon Antony contained in the Fifth Philippic, attacking both his public administration and his private life, and pointing it all with the intimation that his ulterior object was to capture Transalpine Gaul so as to be able to return with sufficient forces to enable him to seize the capital. He therefore urged that a *tumultus* and state of siege should be proclaimed, and that a golden statue should be dedicated to Lepidus in recognition of his republican opinions. The next day the debate was resumed. Octavian was to be admitted to the Senate among the senators of consular rank, and he might apply for the consulship ten years before the legal time.⁴⁴ In pledging himself for the youth's loyalty Cicero said: "I do promise, and pledge myself, and undertake that Caius Caesar will always be such a citizen as he is this day, and as we ought above all things to wish and desire that he should be."

Fifth
Philippic.

Cicero
guaranteed
Octavian's
loyalty.

The issue was now peace or war, and the few declared friends of Antony in the Senate even went so far as to send the ex-consul's aged mother and Fulvia from house to house hoping to restrain those senators who were hesitating,⁴⁵ Cicero making another speech on the third of the

⁴⁴ *Mon. Anc.*, i, 3-5; *App., B. C.*, iii, 51; *Livy, Per.*, cxviii.

⁴⁵ *App., B. C.*, iii, 51, 54.

A compromise reached.

month in the hope of bringing the waverers to his views. Finally, on the 4th, after a speech from Piso, a compromise was reached under which it was agreed that Sulpicius, as the representative of the republicans, Piso as the representative of the Caesarians, and Philippus, the stepfather of Octavian, should be sent as ambassadors, not to treat for peace, but to command Antony to return from Cisalpine Gaul to Italy, it being stipulated that a *tumultus* would be proclaimed if he disobeyed. In the meantime one of the consuls would take the supreme command and lead to Gaul the forces Octavian had already prepared at Arretium. On the same day, before an immense assembly on the Forum, Cicero, in a discourse known as the Sixth Philippic, gave an account of all that had been done, concluding with this declaration:

Sixth Philippic.

Matters are now at a crisis. We are fighting for our freedom. Either you must conquer; which indeed you will do if you continue to act with such piety and unanimity, or you must do anything rather than become slaves. Other nations can endure slavery; liberty is the inalienable heritage of the Roman people.^{45a}

At this critical moment of waiting, which may be considered the prologue to the civil war soon to begin in the valley of the Po, Cicero became, in fact, if not in law, the head of the senatorial government of the Republic. In the words of a very clear thinker:

Cicero prime minister of Rome.

The magistrate might, without any dereliction of duty, confine himself to naming the subject which the Senate was to discuss; it was open to the private senators to make any motion on the subject in hand, and this motion, if approved by a majority of voices, became a binding instruction to the executive. Thus Cicero, though without any formal office, took the responsibility of the initiative and shaped the policy of the Republic. He was, in fact, prime minister of Rome.⁴⁶

^{45a} VI *Phil.*, 6.

⁴⁶ Strachan-Davidson, *Cicero*, p. 406.

As such he was forced to discharge the duties of many of the missing officers of state, to read many letters, to make many speeches, and above all to breathe into the weak and wavering a fiery enthusiasm and force such as he had scarcely possessed in his earlier years.

After the great speeches of December 20 and January 1, the audacious figure of the old orator stood out amidst the universal vacillation like a huge erratic boulder in the midst of a plain. He was requested upon every side to unmask dangers and to advise upon precautions, and was himself obliged to intervene in public business to secure the execution of his decrees, which otherwise would have been dead letters.⁴⁷

Before the return of the ambassadors, and while partisans of Antony in the city, with Calenus at their head, were striving to win friends by representing him as eager for an accommodation, in a meeting of the Senate convoked by Pansa for the dispatch of matters of routine, Cicero abruptly warned them that there was more important business to be disposed of. In the Seventh Philippic, then delivered in the second half of January, the orator spoke as the leader upon whom the burden rested, saying:

On no condition will I make peace with Antony. If we cannot live in freedom let us die. . . . What hope then is there that there ever can be peace between the Roman people and the men who are besieging Mutina and attacking a general and army of the Roman people?⁴⁸

Seventh
Philippic.

No peace
with Antony.

After the return of the ambassadors early in February, Pansa immediately convoked the Senate to receive their report, stating that Antony would neither yield to the demands of the Senate nor permit them to transmit its discussions to Decimus Brutus. His principal counter demands (which they had no right to bring) were that

⁴⁷ Ferrero, vol. iii, pp. 129-30.

⁴⁸ VII *Phil.*, 8.

Eighth
Philippic.

he should retain Transalpine Gaul with six legions; that his acts and those of Dolabella were not to be annulled; that his troops were to receive lands; and that there should be no account required of him of the money taken from the temple of Ops. After Cicero had stated his opinion that as Antony had refused to obey the Senate he should be declared *hostis*, Calenus, backed by Pansa, who was constantly supporting the Caesarians, carried through a milder measure. On the next day when the Senate met to put its resolves into definite form, Cicero delivered the Eighth Philippic as a protest against the irresolution of the day before. As the inflexible leader, who stood alone with a whole-hearted desire for war, he said:

What a responsibility it is to support worthily the character of a chief of the Roman commonwealth; those who bear it should shrink from offending not only the minds but the eyes of their fellow-citizens. When they receive the envoy of our enemies at their houses, admit him to their chambers, even draw him apart in conversation, I say that they think too little of their dignity, too much of their danger.⁴⁹

In conclusion he said:

I give my vote, that of those men who are with Marcus Antonius, those who abandon his army, and come over either to Caius Pansa or Aulus Hirtius the consuls; or to Decimus Brutus, imperator and consul elect; or to Caius Caesar, propraetor, before the fifteenth of March next, shall not be liable to prosecution for having been with Antonius.⁵⁰

Ninth
Philippic, fu-
neral honors
to Sulpicius.

So effective was this ardent speech, whose main purpose was to discredit Antony's champion, Calenus, that the proposal was passed. Probably on the same day was delivered the Ninth Philippic, devoted to the particular kind of funeral honors to be paid to the great jurist, Servius Sulpicius, one of the ambassadors, who being in

⁴⁹ VIII *Phil.*, 10.

⁵⁰ *Ibid.*, 11.

ill health had died by reason of his journey to the camp of Antony. Supporting Pansa's contention that the cause of his death and not the nature of it was the true criterion, Cicero pleaded for a small funeral monument at the expense of the state, and an equestrian statue in the Forum such as was customary in honor of ambassadors who were actually killed in the service of their embassy. In speaking of this cherished friend of his earlier years, who enjoyed the reputation of being not only the first lawyer of his time, but the first of all who ever studied law as a profession at Rome,⁵¹ he said:

Restore then, O conscript fathers, life to him from whom you have taken it. For the life of the dead consists in the tender recollection of them by the living. Take ye care that he, whom you, without intending it, sent to his death, shall from you receive immortality.⁵²

The scene now shifts suddenly from Cisalpine Gaul to Macedonia, from Decimus Brutus to Marcus Brutus, who in the preceding autumn of 44 B.C., had arrived at Athens where, like any private individual, he began to attend lectures on Greek philosophy, along with a group of young Roman students,⁵³ among whom were Cicero's son Marcus, Domitius Ahenobarbus, and a young man by the name of Flaccus, whose father was an intelligent and wealthy freedman. When these young men, who ex-

Marcus Brutus in Greece.

⁵¹ As to his works, see Pompon., l. c., 43, 44. His pupil was Aulus Ofilius, often called the Tribonian of the Republic, who is supposed to have been consulted by Julius Caesar as to his great but unrealized plan for a codification of Roman law. On that subject, see Sanio, *Rechtshistorische Abhandl. u. Studien* (Königsberg, 1845), pp. 68-126.

⁵² IX *Phil.*, 5.

⁵³ Plut., *Brut.*, 24. Cicero, speaking of the departure of Brutus, said: "I saw him depart from Italy in order not to cause a civil war there. O, sorrowful spectacle, I do not say for man only, but for the waves and the shores! The savior of his country was forced to flee; its destroyers remained all-powerful." — X *Phil.*, 4.

tended a most cordial welcome to the regicide, learned that Trebonius, also one of the regicides, was sending sixteen thousand talents (about £320,000) to Rome from his rich province of Asia; and that the official in charge of this tribute would touch at Greece, they persuaded Brutus to induce the envoy to hand over the money so that it might be used in the interests of the republicans against the Caesarians.

Collects a
small army
and wins
successes.

Thus in possession of the sinews of war a small army was rapidly collected under the command of Brutus, who in December, 44 B.C., surrounded by a band of young admirers including Horace,⁵⁴ went to Thessalonica, where Hortensius, the governor of Macedonia, who was without troops, recognized him as his successor. Encouraged by such success, Brutus by a forced march reached the shores of the Adriatic about January 20,⁵⁵ with the purpose of overcoming Vatinius, a Caesarian, who was governor of Illyria. After accomplishing, through a series of happy accidents, that undertaking, Brutus sent letters to Rome asking the Senate to approve his actions.⁵⁶ When like a bolt from the blue they arrived at the capital about the middle of February, Pansa hurriedly convoked the Senate for the next day.

Asks the
Senate to
approve his
action.

In the midst of the excitement caused by news that

⁵⁴ Horace was in the army of Brutus the greater part of two years (43-42 B.C.), and in that way had the opportunity to visit Thessaly, Macedonia, and Thrace, and many famous cities in Asia Minor mentioned in his poems in a way that implies personal acquaintance. He remained with Brutus to the end, participating in the victory and subsequent rout at Philippi. Returning to Rome, he found his father dead and his estate swept away in the confiscation of the territory of Venusia. He had, however, saved money enough from his two campaigns to enable him to purchase a clerkship in the quaestor's office. Thus poor in purse and still poorer in favor, he began life again at the age of twenty-three. See article by Clement Laurence Smith in *The Lyric Poems of Horace*, vol. i, pp. 34-35.

⁵⁵ Gauter, *Neue Jahrb. für. Phil. u. Päd.*, 1895, pp. 620ff.

⁵⁶ X *Phil.*, 6; Liv., *Per.*, 118; Dio, xlvii, 21; Plut., *Brut.*, 26; Ferrero, vol. iii, pp. 135 sqq.



BRUTUS. National Museum, Florence.

lifted the hopes of the republicans and depressed those of the friends of Antony, the latter did all in their power to prevent an approval by the Senate of Brutus' conduct. Calenus said that favorable action in that direction would no doubt entirely alienate the sympathies of the veterans. Then it was that Cicero delivered the Tenth Philippic as an emphatic indorsement of the revolution brought about by Brutus, with the aid of his own son Marcus, who had quitted his studies at Athens and taken the field independently, receiving the surrender of a legion commanded by L. Piso—certainly a triumph for the senatorial government at Rome of which the orator was the head! Can we wonder when he exclaims:

Tenth
Philippic.

The Roman people there are now in possession of Macedonia, and Illyricum, and Greece. The legions there are all devoted to us, the light-armed troops are ours, and, above all, Brutus is ours, and always will be ours—a man born for the Republic, both by his own most excellent virtues, and also by some special destiny of name and family, both on his father's and on his mother's side.⁵⁷

He concluded by moving that the Senate approve the military acts of Brutus in Macedon and Illyricum, confirm his future acts, and legalize his appropriation of public funds and supplies, admonishing him at the same time to remain as near Italy as possible.

Here reference must be made to the terrible fate of Trebonius, whose confiscated tribute made Brutus' revolutionary coup possible. In the first days of March, 43 B.C., news arrived that Dolabella, who had left Rome before the expiration of his consulship to take possession of Syria, which Antony had contrived to have allotted to him, had entered Asia with a legion and a body of cavalry, had treacherously seized Trebonius at Smyrna, and

Terrible fate
of Trebonius
at the hands
of Dolabella.

⁵⁷ X *Phil.*, 6.

had put him to death after subjecting him to the extremes of torture in the hope of forcing him to disclose the whereabouts of the money.⁵⁸

Calenus, in order to shield Antony in the midst of the storm of indignation excited by the dreadful act, made a fierce attack upon Dolabella, asserting his willingness to declare him a public enemy and proposing at the same time to entrust to the two consuls, after they had relieved Mutina, the conduct of military operations against him.⁵⁹ As a counter-proposition Cicero suggested that such operations should be entrusted to Cassius, together with the proconsulship of Syria; and upon that subject he pronounced the Eleventh Philippic in which the crime of Dolabella, as the apt pupil of Antony, is painted with all the lurid color a master of the human passions could impart to it.

Eleventh
Philippic.

You see now an image of the cruelty of Marcus Antonius in Dolabella; this conduct of his is formed on the model of the other. It is by him that the lessons of wickedness have been taught to Dolabella. Do you think that Antonius, if he had the power, would be more merciful to Italy than Dolabella has proved in Asia? To me, indeed, this latter appears to have gone as far as the insanity of a savage man could go; nor do I believe that Antonius either would omit any description of punishment, if he had the power to inflict it.⁶⁰

A fresh em-
bassy to An-
tony proposed
in March.

In the meantime the siege of Mutina languished; and in the midst of the general hesitation the Senate resolved in March to send a fresh embassy to Antony composed of five members from all parties, including Cicero himself,⁶¹ a move supplemented by an obsequious letter from Hir-

⁵⁸ Dio, xlvii, 29; Livy, *Epit.*, 119; XI *Phil.*, 2; App., *B. C.*, iii, 26.

⁵⁹ *Ibid.*, 9.

⁶⁰ *Ibid.*, 3.

⁶¹ *Ibid.*, 1. Cicero's colleagues were to be P. Servilius, Fufius Calenus, L. Piso, and L. Caesar.

tius and Octavian. Antony's counterblast to such weakness was an insulting reply to the two last named of remarkable literary merit, in which, after eulogizing the assassination of Trebonius, he declared that he would remain faithful to Dolabella, whom he praised for his desire to punish Caesar's murderers, defended, he said, by Hirtius and Octavian, as members of the party that wished to rob the veterans of their reward. After expressing his willingness to receive the ambassadors if they came, he added that he did not think their arrival probable.

His insulting
reply.

Before Antony's letter was received at Rome on March 18 to 19, the embassy had in fact been annulled; and Cicero and his supporters realized that they had been duped⁶² when it became evident that the real object of Antony's friends in proposing it was to gain time for Ventidius to join him at the head of three veteran legions. In the Twelfth Philippic, delivered at the next meeting of the Senate Cicero, in the midst of whispers of treachery, cried out,

Twelfth
Philippic.

We have been deceived — we have, I say, been deceived, O conscript fathers! It is the cause of Antonius that has been pleaded by his friends, and not the cause of the public. And I did indeed see that, though through a sort of mist; the safety of Decimus Brutus had dazzled my eyesight.⁶³

The time for action had now arrived; with the return of fine weather the siege of Mutina was approaching a crisis. Early in January Hirtius had joined Octavian, and some weeks later the two had advanced as far as Bononia — Forum Gallorum lying midway between that point and Mutina. Shortly after March 19, the other consul, Pansa, moved northward at the head of four

Siege of
Mutina ap-
proaching
a crisis.

⁶² XII *Phil.*, 7.

⁶³ *Ibid.*, 2.

Cicero's
effort to se-
cure Lepidus
and Plancus.

new legions, which, added to the three ordered from Africa, the three of Octavian and the four of Decimus, made fourteen now on foot which had been newly recruited or reenlisted within a few months, an effort that compelled Pansa to employ all the armorers he could find at Rome.⁶⁴ At such a moment Cicero did all in his power to secure the support of Lepidus, governor of Northern Spain and Southern Gaul, and of Plancus, governor of Northern Gaul, whose armies might have a decisive influence in deciding the conflict. When their attitude and that of their generals was still in doubt, he wrote to Lepidus:

I am glad to hear that you profess yourself desirous of promoting peace between citizens. If you connect that peace with liberty, you will do good service to the state and to your own reputation. But if your peace is to restore a traitor to the possession of an unbridled tyranny, then let me tell you that all true men have made up their minds to accept death rather than servitude.⁶⁵

To Plancus he wrote:

You recommend peace while your colleague is besieged by a gang of rebels. If they want peace, they should lay down their arms and beg for it; if they demand it by force of arms, then we must win our way to peace through victory, not through negotiation.⁶⁶

Thirteenth
Philippic.

On March 20, after letters had been read to the Senate from Lepidus and Plancus, betraying an anxiety to avoid a decision, Cicero, fearing their effect, made the furious and eloquent appeal for war embodied in the Thirteenth Philippic, pronounced in the last free Senate in the history of Rome.

From the beginning of this war which we have undertaken against those impious and wicked citizens, I have been afraid lest

⁶⁴ VII *Phil.*, 4.

⁶⁵ *Ad Fam.*, x, 27.

⁶⁶ *Ibid.*, x, 6.

the insidious proposals of peace might dampen our zeal for the recovery of our liberty.⁶⁷

And then, in order to emphasize that contention, the orator read, paragraph by paragraph, with drastic comments of his own, a letter received by Hirtius and Octavian from Antony insidiously designed to seduce them from their allegiance:

I have read you this letter, O conscript fathers, not because I thought it worth reading, but in order to let you see all his par-
ricidal treasons revealed by his own confessions.⁶⁸

In concluding Cicero moved a formal commendation of Sextius Pompey, who—

Tribute to
Sextius
Pompey.

. . . has acted as might have been expected from the affection and zeal of his father and forefathers towards the Republic, and from his own previous virtue and industry, and loyal principles in promising to the Senate and the people of Rome his own assistance and that of the men whom he had with him.⁶⁹

The doubt and anxiety that clouded the public mind down to the end of March and the beginning of April was relieved somewhat when on the 7th of the month last named further letters from Plancus to the magistrates and Senate were read in which he said:

I required a considerable time, heavy labors, and great expense in order finally to make good my promises to the Republic and all loyal citizens, and in order not to approach the task of aiding my country with no equipment except good intentions, but with the requisite resources. I had to secure the loyalty of my army, which had been often tampered with by the offer of great bounties, and to persuade it to look to the state for moderate rewards, rather than to a single person for unlimited ones. . . . I saw from what had befallen my colleague the danger of a premature revelation of intentions by a loyal but unprepared citizen.⁷⁰

Further
letters from
Plancus.

⁶⁷ XIII *Phil.*, 1.

⁶⁸ *Ibid.*, 10 sqq.

⁶⁹ *Ibid.*, 21.

⁷⁰ *Ad Fam.*, x, 8.

Antony's dis-
comfiture at
Forum
Gallorum.

Death of
Pansa.

Finally, on April 14 or 15, the opposing armies near Mutina met at Castelfranco, then known as Forum Gallorum, where Antony, confident of the support of Lepidus and of his position as Caesar's avenger, had taken the offensive. After a fierce engagement, in which he was at the outset successful, Antony was finally so far overcome by the forces of the consuls and Octavian as to be compelled to retire during the night to his camp before Mutina. During the battle Pansa received a wound of which he died about a week later.⁷¹

Cicero's glo-
rious day.

After a false rumor, current at Rome about the 17th or 18th, to the effect that the senatorial army had been annihilated, was dispelled by dispatches from Hirtius, telling of Antony's discomfiture, a great popular demonstration took place, multitudes flocking to Cicero's house on the Palatine. The enthusiastic citizens escorted him to the capitol and down on the Rostra and forced him to make a speech received with great applause. On that glorious day he wrote to Marcus Brutus:

I have no vanity in me—and indeed I ought to have none; yet after all a unanimous feeling of all orders, thanks, and congratulations do move my heart, because it is a thing to be proud of that in the hour of the people's preservation I should be the people's hero (*popularis*).⁷² But I prefer for you to hear these things from others.

Fourteenth
Philippic.

Such was the prelude to the Fourteenth Philippic, the last oration ever published by Cicero, delivered in the Senate on April 21, where he demanded that a supplication of forty days should be decreed; that a monument should be erected to the fallen, "who had conquered in their death," and that the bounties promised to the senatorial army should be paid to the kindred of the slain.

⁷¹ The news of his death reached Rome on the 26th.

⁷² *Epist. ad Brut.*, i, 3.

Refusing to be carried away by the transport of the hour, he said that it would certainly be premature to accept the suggestion of Servilius that the citizens should relinquish the *sagum*, or robe of war; he considered it far more important for the Senate to declare Antony a public enemy (*hostis*) which, strangely enough, had not yet been done.

From the first of January to this hour [he said] I have never ceased watching over the Republic; that day and night my house and my ears have been open to the instruction and admonition of everyone; that it has been by my letters, and my messages and my exhortations, that all men in every part of the Empire have been aroused to the protection of our country; that it is owing to the open declaration of my opinion ever since the first of January, that no ambassadors have been sent to Antonius; that I have always called him a public enemy, and this a war; so that I, who on every occasion have been the adviser of genuine peace, have been a determined enemy to the pretense of fatal peace.⁷³

Then moved, no doubt, by the spirit of the funeral oration delivered by Pericles in memory of those who had fallen in the Peloponnesian war, he said:

I, therefore, give my vote, O conscript fathers, that the most noble monument possible be erected to the soldiers of the Martian legion, and to those soldiers also who died fighting by their side. Great and incredible are the services rendered by that legion to the Republic. That was the first legion to tear itself from the piratical band of Antonius; that was the legion which encamped at Alba; that was the legion that went over to Caesar; and it was in imitation of the conduct of that legion that the fourth has earned almost equal glory for its bravery. The fourth is victorious without having lost a man; some of the Martian legion fell in the very moment of victory. O happy death, which, due to nature, has been paid, rather as a debt due to your country! But I consider you men born for your country; you whose very name is derived from Mars, so that the same deity who begot this city

Tribute to
the Martian
legion.

⁷³ XIV *Phil.*, 7.

Mars "selects
the bravest
from the
ranks."

for the benefit of the nations, appears to have begotten you for the benefit of this city. Death in flight from the battle-field is disgraceful, but glorious in victory, for Mars himself usually selects the bravest from the ranks. Those impious wretches ye slew will pay the penalty of their parricide in the realms below, while you who breathed out your latest breath in victory have gained the dwelling-place and home of the blessed. Brief is the span of life given us by nature; but the memory of a life nobly spent is immortal. And if indeed it were no longer than this life of ours, who would be so foolish as to face the extremity of toil and danger in order to win the highest glory and renown? It is well then, soldiers, with you — the bravest of the brave while you lived, but now sanctified by death. For your merit can never be unsepulchered, either by the oblivion of those who now exist, or the silence of posterity, since the Senate and Roman people have raised to you, almost with their own hands, an imperishable monument.⁷⁴

Second and
last battle of
Mutina.

At the very moment Cicero was pronouncing this last Philippic, really the funeral oration of the Roman Republic, its armies were fighting the second and last battle of Mutina⁷⁵ in which Antony suffered so severely that, during the night of April 21, while ignorant of the death of Hirtius, he resolved to abandon the siege and to fall back upon Lepidus in Gallia Nabonensis. After the death of Pansa, who died of his wounds in the night of the 22d and 23d,⁷⁶ Decimus Brutus, one of the slayers of Caesar, and Octavian, his adopted son, were the surviving commanders of the victorious senatorial army; and as such they were expected, of course, to inflict upon the fleeing Antony the fate of Catiline.⁷⁷

The news of the battle reached Rome, in a very exag-

⁷⁴ XIV *Phil.*, 12.

⁷⁵ App., iii, 71. For the best account of the second battle, see Schmidt, *Neue Jahrb. für Phil. u. Päd.*, 1892, pp. 323ff.

⁷⁶ *Ad Fam.*, xi, 13.

⁷⁷ *Epist. ad Brut.*, i, 3.

gerated form apparently on April 25; and on the next day the Senate met and proscribed Antony and his followers upon the assumption that his career was at an end.⁷⁸ For a moment it did seem as if Cicero's struggles and sacrifices had not been in vain; it did seem as if the Republic had been saved; it did seem as if his duel to the death with

Antony and
his followers
proscribed.



TEMPLE OF JUPITER CAPITOLINUS IN WHICH CICERO DELIVERED HIS
LAST PHILIPPIC

Antony had ended at last with the chief promoter of the new monarchical system prostrate in the dust. But never in all history was the semblance of victory such a complete illusion. The great lover of liberty had wooed the Goddess and had clasped a cloud. When he seemed to have all within his grasp, she whispered:

Semblance of
victory an
illusion.

Our revels now are ended. These our actors,
As I foretold you, were all spirits, and
Are melted into air, into thin air;
And, like the baseless fabric of this vision,

⁷⁸ Lange, *R. A.*, vol. iii, p. 524.

The cloud-capp'd towers, the gorgeous palaces,
 The solemn temples, the great globe itself,
 Yea, all which it inherit, shall dissolve
 And, like this insubstantial pageant faded,
 Leave not a rack behind.⁷⁹

Antony converted defeat into victory.

With consummate art Antony, always greatest in moments of supreme peril, converted defeat into victory by winning to the Caesarian cause the generals in command of the veteran legions who had no idea of sacrificing themselves or destroying each other for the benefit of the Senate at Rome. They were beginning to understand that the new monarchical system founded by Caesar in the Mediterranean world, rested upon the assumption that those who controlled the mercenaries could control not only the provincial governments but affairs at Rome. It is not therefore strange that the orator should have written at this time to Marcus Brutus:

Political power the fruit of physical force.

For we are flouted, Brutus, both by the airs assumed by the soldiers and the arrogance of their commanders. Each man claims to be powerful in the Republic in proportion to his physical force.⁸⁰

Cicero foreshadowed all that was to happen when in the Tenth Philippic he said:

Finally let me speak one true word, one word worthy of myself. If the resolutions of this House are to be governed by the nod of the veterans, if all of our deeds and words are to be fashioned at their will, it is better to wish for death, which Romans have always preferred to servitude.⁸¹

Antony wins Lepidus.

Antony, with four legions and the cavalry, hastened by a forced march across the Maritime Alps to appeal to Lepidus, whose army was composed of seven of Caesar's

⁷⁹ *The Tempest*, Act iv, sc. i.

⁸⁰ *Epist. ad Brut.*, i, 10.

⁸¹ *X Phil.*, 9.

old legions,⁸² and the appeal was not in vain. After the deed was done, Lepidus on May 30 wrote a brief letter to the Senate in which he said:

I beg of you to consult for the highest interests of the Republic, and not to regard the compassionate feelings of myself and my army in the light of crime.⁸³

Antony and Lepidus, now at the head of fourteen legions, jointly undertook to reorganize the great Caesarian army in the West, first by winning over Plancus and Pollio, next by effecting a reconciliation with Octavian, a task Lepidus himself assumed early in July, just at the moment when Caesar's heir was breaking with the senatorial government which had denied him the consulship. Emboldened by the prospect of an agreement with Antony and Lepidus, Octavian resolved upon a *coup d'état* which involved an expedition against Rome itself, whither he had sent his emissaries to reassure the masses as to his intentions and to urge them to revolt. He crossed the Rubicon early in August⁸⁴ with eight legions, and upon his arrival the African and Sardinian legions came over to his standard, the populace followed, the city surrendered, the senatorial party fled, and on the 19th, Octavian and his kinsman Pedius were elected consuls,⁸⁵ after the necessary formalities had been hurried through.

Octavian's
coup d'état.

By appropriate action of the *comitia curiata* Octavian's adoption was ratified, and the *lex Pedia de interfectorebus Caesaris*⁸⁶ passed, subjecting the assassins of Caesar and their accomplices to the jurisdiction of a special court, no exceptions being made in favor of the tribune Casca, nor

*Lex pedia de
interfectori-
bus Caesaris.*

⁸² Stationed at Forum Voconii, twenty-four miles away.—*Ad Fam.*, x, 17.

⁸³ *Ad Fam.*, x, 35.

⁸⁴ App., iii, 88.

⁸⁵ Dio, xlv, 45-45; App., iii, 92-94.

⁸⁶ Livy, 120; Dio, xlv, 47-48; App., iii, 95.

of Marcus Brutus, then fighting against the Bessi, nor of Decimus Brutus who, with Plancus, was about to attack Antony, nor of Sextus Pompeius who had accepted the extraordinary powers his father had exercised in the war against the pirates.⁸⁷

The panic-stricken Senate, in which Cicero did not appear, granted everything, including the donations demanded by Octavian of five thousand drachmas (\$900) for each veteran, amounting for the eight legions to about \$7,700,000—a sum, of course, not available. Caesar's heir had been greeted by great and small, including his mother and sister who had been sheltered in the house of the Vestals. The Caesarian army, which preserved perfect discipline, was thus in possession of Rome and Italy, with Octavian at the head of eleven legions, controlling at the same time Gallia Narbonensis with the fourteen legions of Antony and Lepidus. In the presence of such a menace the wavering Pollio resolved to come over, dividing, during September, his three legions between Lepidus and Antony.⁸⁸

The Caesarian combination that now controlled twenty-eight legions had yet to overcome the two armies of Decimus Brutus and Plancus, numbering only fifteen legions between them. The break soon came when Plancus—more than ever willing to abandon Decimus since he had passed under the ban of the *lex Pedia*—resolved to follow the example of Pollio—three of his legions passing to Antony and two to Lepidus. Thus deserted by Plancus, in the midst of what has been well described as a kind of Caesarian mania, Decimus, while attempting by an overland march with his army to reach Macedonia,

Caesarian
army in pos-
session of
Rome and
Italy.

Fate of Deci-
mus Brutus.

⁸⁷ Plut., *Brut.*, 27; Dio, xlv, 48-49.

⁸⁸ App., iii, 97. Cf. Ferrero, vol. iii, pp. 172 *sqq.*

was captured in the Alps by a barbarian chief who executed him under orders from Antony, unmoved by the fact that he had saved his life during the conspiracy.⁸⁹

With the entire Caesarian army of the West in possession of Italy and the European provinces, nothing remained but the reconciliation of Antony and Octavian, a consummation made urgently necessary by the fact that Brutus and Cassius were still in possession of the richest part of the Empire, the East, with nineteen legions behind them. Thus drawn towards each other by common interests and common dangers, the rival leaders of the Caesarians seem to have agreed before they met to reestablish the regent's dictatorship, with the full powers he had enjoyed during the last years of his life, in such a way as to include the go-between, Lepidus, called by Decimus "that shiftest of men,"⁹⁰ in the *triumviri reipublicae constituendae*.

Reconciliation of Antony and Octavian.

The *triumviri reipublicae constituendae*.

In order to work out the details of the general plan thus outlined, the three met toward the end of October on a little island near Bologna, formed by the confluence of the Reno and Lavino, where, with the two armies facing each other on opposite sides of the river, they engaged, with mutual distrust, in a conference which lasted two or three days.⁹¹ We know only that the outcome was the Second Triumvirate; not a group of dictators, but "a commission of three for settling the government," which was to continue for five years from the end of the current year.⁹² Within that time they were to possess criminal jurisdiction without right of appeal or form of trial, the

Scope of their powers.

⁸⁹ Dio, xlv, 53; App., ii, 97-98.

⁹⁰ *Ad Fam.*, xi, 9.

⁹¹ App., iv, 2; Plut., *Cic.*, 44; Dio, xlv, 55.

⁹² Fasti Colotiani in *C. I. L.*, p. 466.

right to make laws, and by virtue of the sovereign power of consuls over the whole state, they were to have the right to appoint senators and officials in Rome and in the towns, and governors of provinces, to impose taxes, order levies, and to strike coins with their images and supercriptions.⁹³

Dreadful
expedient
for payment
of the army.

But over and above all such details stood the overshadowing necessity for providing money with which to settle the vast obligations, assumed in the midst of the struggles, to the forty-three legions, about two hundred thousand men, by whose physical force existing conditions had been brought about. The problem of problems was how to raise, with an empty treasury, with a people unwilling to be taxed, and with the rich provinces of the East in the hands of the enemy, a sum exceeding eight hundred millions of sesterces,⁹⁴ equivalent to about \$40,000,000. But one expedient seemed possible, and that was a massacre of the rich and a confiscation of their property through a proscription, in which the list is said to have included two thousand of the richest knights, and a hundred senators, to which were added a few specially energetic and able political opponents.⁹⁵

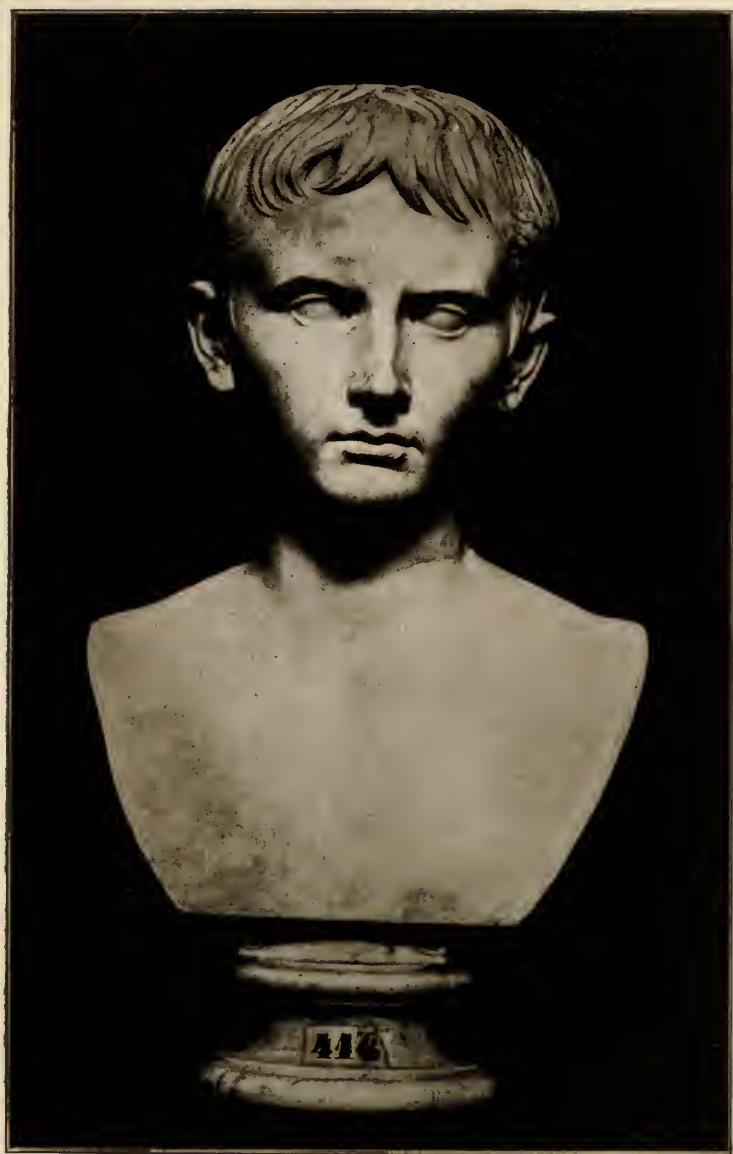
A heated controversy seems to have arisen over the selection of twelve or seventeen victims⁹⁶ who were to be put to death at once without the hope of pardon. There is every reason to believe that as a solution Antony gave up his mother's brother, Lucius Caesar; Lepidus, his own brother, Aemilius Paullus, and Octavian, Cicero, whom he called "father."

⁹³ Mommsen, *Röm. St.*, vol. iv, pp. 449 *sqq.*; Herzog, *Geschichte und System der römischen Staatsverfassung*, 1891, vol. ii, p. 96; Ferrero, vol. iii, p. 181.

⁹⁴ App., iv, 31.

⁹⁵ *Ibid.*, 5; Plut., *Ant.*, 20; Livy, *Per.*, 120; Plut., *Cic.*, 46.

⁹⁶ App., iv, 6.



THE YOUNG AUGUSTUS. The Vatican.

Less than six months intervened between that glorious April 21 when the people, after the arrival of bulletins announcing victory in the first battle of Mutina, escorted Cicero in triumph to the Capitol and back again, and the day on which the Caesarian triumvirate condemned him unheard to a traitor's death. During the interval he led with all the heroism of despair a forlorn hope beset by conditions that made success impossible. The nature of those conditions revealed themselves in the moment of victory that followed the second battle of Mutina when Octavian failed to join Decimus in the pursuit and destruction of Antony. In a letter written on May 5 to Cicero, Decimus said:

Octavian's sacrifice of Cicero. Why he failed to join Decimus in pursuing Antony.

But if Caesar had listened to me and crossed the Apennines, I could have hemmed in Antony so completely that he would have perished for lack of supplies; but I cannot command Caesar, and Caesar cannot command his troops. These are both very ugly facts.⁹⁷

Two weeks later we have the explanation of the difficulty, the real beginning of the end, in another letter from Decimus, from which it appears that the Fourth and the Martian legions had refused to serve under his orders⁹⁸ — the veterans were no longer willing to follow the standard of the regicide who had aided in cutting down the chief they adored. As that Caesarian fanaticism grew, the legions, believing that their interests would best be promoted by a military monarchy, drew together in a coalition whose primary purpose was a campaign of revenge against those who had so cruelly arrested its growth. It was that sentiment that clothed Octavian with power and importance. In a letter to Marcus Brutus, Cicero pays

Legions advocates of a military monarchy.

⁹⁷ *Ad Fam.*, xi, 10.

⁹⁸ *Ibid.*, xi, 19. The Fourth and the Martian had joined Octavian.

high tribute to his great personal power (he is *potentissimus*), lamenting at the same time that—

. . . . certain persons by most unprincipled letters and misleading agents and messages induced Caesar, up to that time wholly governed by my advice, and personally possessed of brilliant ability and admirable firmness of character, to entertain a very confident hope of the consulship.⁹⁹

When Octavian deserted Cicero.

Plutarch was, no doubt, correct in assuming that Octavian turned his back on Cicero the moment he refused to support him for the consulship. According to Suetonius (August 12), he abandoned without hesitation the senatorial government the moment it refused to bestow that office upon him. It was then that the leader of a deputation of centurions who had been sent to present his claim, struck his hand upon his sword hilt and said, "If you will not give it, this shall give it," and it did. After Octavian's desertion the only hope that remained to Cicero as the head of the dying Republic was centered in the return from the East of Brutus and Cassius. When in June he felt that Caesar's heir was slipping away from him, he wrote to the former:

Last appeal to Brutus and Cassius.

If the counsels of the disloyal have greater weight than mine, or if the weakness of his time of life proves unequal to the strain of the business, our whole hope is in you. Wherefore fly hither, I beseech you, and put the last touch to the freedom of a state, which you liberated by courage and high spirit rather than by any fortunate coincidence. Men of all kinds will crowd around you. Write and urge Cassius to do the same. Hope of liberty is nowhere to be found except in the headquarters of your two camps.¹⁰⁰

In the very last letter of Cicero which is preserved to us, written to Cassius early in July, he said:

⁹⁹ *Epist. ad Brut.*, i, 10.

¹⁰⁰ *Ibid.*, i, 10.

Assure yourself, therefore, that everything depends on you and Marcus Brutus, and that you are both anxiously expected, Brutus momentarily.¹⁰¹

But as they never returned, the last spark of life was crushed out of the Republic by the Caesarian legions of the West.

Thus deserted by all, the sole surviving defender of the ancient constitution was calm and steadfast when the time came for him to seal his devotion with his blood. Two means of escape were open to him—nothing barred the path either to suicide or exile. The epidemic of self-murder that followed the performance of Cato, noble as it was regarded by many, did not infect the spirit of one who had a clearer vision of immortality and of a life beyond the grave than any other among the ancients who lived and died prior to the Christian dispensation. He rose above the popular temptation; he was too lofty for self-destruction.

Cicero declined both suicide and exile.

Cicero may have made many a grave political error, but none the less, his historical importance can compare with that of Caesar, and is but little inferior to that of St. Paul or St. Augustine. . . . Of all the men who governed the Roman world in that day, Cicero, alone amid the frightful political debasement of his time, had not wholly lost that sense of good and evil which may not raise a man above petty weaknesses, but at any rate withholds him from criminal excesses and extravagance. He alone attempted to govern the world, not with the foolish obstinacy of Cato, or with the cynical opportunism of others, but upon a rational system based upon loyalty to republican tradition amid the prevailing disorder.¹⁰²

His historical importance.

With his duty done and his usefulness ended, he certainly had the right to go into exile, and for a time he

¹⁰¹ Plut., *Cic.*, 45-46.

¹⁰² Ferrero, vol. iii, pp. 189-90.

Quintus
and his son
murdered
at Rome.

contemplated such a course. When he heard of the proscriptions he was at his Tusculan villa with his brother Quintus. After resolving to join Brutus they proceeded in litters to Astura where they hoped to embark for Macedonia. In order to procure funds for the journey Quintus returned to Rome where he met his son who had been left behind. There it was that the sleuths of Antony discovered their hiding-place, and murdered both after subjecting the younger Quintus to frightful tortures.

"Let me die
in my coun-
try I have
saved so
often."

Thus bereft, Cicero embarked alone at Astura, sailing as far as the promontory of Circeii (*Capo Circello*), where, in a fit of irresolution, he insisted on being put ashore. On the morrow, yielding to the entreaties of his devoted slaves, he set sail again only to discover a rough sea and contrary winds. Sick and sad as he was when he reached Caieta, near his own Formian villa, he resolved to go no farther.¹⁰³ Pressed to continue his voyage, "Let me die," he said, "in my country I have saved so often." The story goes¹⁰⁴ that ravens settled on tackle and yardarms as the vessel was being rowed to the land; and that after he retired to his villa for rest the ravens flew in and cawed and cawed. One, alighting on his couch, tried to draw the cloak from his face. Startled by such an omen, his slaves, eager to get him away from the place, partly by constraint, partly by entreaty, placed him in a litter and moved towards the coast. Then it was that the slayers who came upon their heels, after a vain search of the empty house, were told by a freedman of Quintus, whom Cicero had befriended, how to follow the densely wooded path by which he was being carried to the sea. When overtaken, he ordered his attendants to set down the litter, forbid-

¹⁰³ His return is attributed by Appian (*B. C.*, iv) to seasickness—*οὐκ ἔφερετὴν ἀγδίαν τοῦ κλύδωνος*.

¹⁰⁴ App., iv, 19, 20; Plut., *Cic.*, 47, 48.

ding them at the same time to defend him. According to Plutarch:

With his chin resting on his left hand, as was his wont, he kept gazing steadfastly on the slayers, his beard and hair untrimmed and his face so worn and furrowed from cares that most of those who looked on covered their faces, and would not witness the deed there performed by Herennius.¹⁰⁵

Plutarch's
description
of the end.

Thus he calmly received the stroke. It was the death of Socrates all save the hemlock. Like a Titan, he had



FORMIAE, WHERE CICERO WAS MURDERED

struggled to save the Republic and, like a protomartyr, died.

When Antony ordered the barbarian chief who had captured Decimus to bring him his head he took away the life of one who had saved his own during the conspiracy; but when he took from the military tribune Pompilius Laenas the head of Cicero, and the hands he had used in

Childish rage
of Antony
and Fulvia.

¹⁰⁵ It was December 7, according to Tiro, just twenty-four days before the completion of Cicero's sixty-fourth year.

the composition of his speeches,¹⁰⁶ ordering both to be nailed to the Rostra, where they could molder in mockery of his eloquence, he was simply executing Roman vengeance on one of the bitterest and most implacable enemies by whom any man was ever opposed. Even when we revolt at the unwomanly brutality of Fulvia, who took the head upon her lap, addressing to it words of bitter insult as if it were alive, dragging out the tongue with feminine rage and piercing it with her bodkin, we should not forget that in those terrible Philippics her family history had been held up to merciless ridicule, and her humble birth pitilessly exposed to the contempt of patrician Roman society. Possibly the highest tributes ever paid to the withering blasts of the Philippics were embodied in the childish and inhuman indignities offered by Antony and Fulvia to Cicero's head and hands after death had turned them into dust.

Cicero's
lack of sym-
pathy with
Octavian.

When, in the same spirit of fairness, we contemplate the act of Octavian who handed over to the assassins one whom he had called "father," we should not forget that with the heir of Caesar Cicero never had the slightest sympathy. He was simply a means to an end, a piece on the chess board to be played against the hated Antony. Once he cried out: "I would rather die than be saved by such a one." There can be no doubt that the youth was mastered and overcome by the magnetic genius of the great orator. Plutarch tells us that Octavian held out for two days in his efforts to save the life of Cicero; and he adds:

It happened many years after that Augustus once found one of his grandsons with a work of Cicero's in his hands. The boy was frightened and hid the book under his gown; but Caesar took

¹⁰⁶ Giving for them 250,000 sesterces (\$11,000).

it from him, and standing there motionless he read through a great part of the book; then he gave it back to the boy, and said: "This was a great orator, my child; a great orator, and a man who loved his country well."¹⁰⁷

His tribute to Cicero.

This story gains credence from the fact that after the conclusion of peace Cicero's son Marcus returned to Rome where great honors were bestowed upon him by Augustus possibly as a retribution for the part he had taken in his father's death. Writing to Marcus Brutus on July 11, 43 B.C., Cicero, in expressing the wish that his son, then twenty-two, should remain with him and not return to Rome to begin his public career with sacerdotal honors, said:

Bestowed great honors on his son.

Upon your writing to me as to my son's leaving you, I immediately hurried my letter carriers off with a letter to my son telling him that if he came to Italy, he should return to you: for nothing could be more gratifying to me and nothing more honorable to him. However, I had several times written to tell him that the election to the sacred colleges had by great exertions on my part been put off to another year.¹⁰⁸

Marcus did remain with Brutus, fighting at Philippi, and afterwards joining the standard of Sextus Pompey, who had established a despotic sea power upon the three islands where his rule was absolute, thus posing for a time as the last champion of the Republic and its liberties. And yet, despite such obstinate loyalty upon the part of Cicero's son to the fallen cause, he became, through the influence of Augustus, a commissioner of the Mint, and member of the College of Augurs, and finally consul with Augustus as his colleague. As such, public letters were addressed to him by Augustus announcing his victory at Actium and the conquest of Egypt. Nothing more point-

Marcus fought with Brutus at Philippi.

Consul with Augustus as his colleague.

¹⁰⁷ Plut., *Cic.*, 49.

¹⁰⁸ *Epist. ad Brut.*, i, 14.

edly illustrates the irony of fate than the fact that as consul, Cicero the younger was charged with the execution of the decree directing the destruction of all statues and monuments of Antony, so that his very name might perish from the face of the earth. Not until after he had been proconsul for Asia Minor, or, according to Appian, of Syria, did Cicero's only surviving heir pass away leaving no issue behind him.¹⁰⁹

Long life of
Terentia.

The
flimsy case
against her.

Cicero's
misty
statement.

But long after the passing of Marcus, his mother, Terentia, survived, dying, according to one account, in her hundred and fourth year.¹¹⁰ When we listen to the malevolent gossip of Plutarch¹¹¹ about her, we should be careful to remember that the strongest plea he can make in favor of Cicero's divorce from the mother of his children, with whom he lived for more than thirty years, and to whom he addressed many of the tenderest letters ever penned, is that he was "neglected by her during the war [the Dyrrachium-Pharsalus campaign] when he was left in dire want." That is to say, that when he was in Pompey's camp, far away from Italy, his absent wife, whose separate estate he had always enjoyed, did not properly supply his wants. He therefore refused to permit her to join him at Brundisium on his return, saying in a very curt letter: "I do not see what you could avail, if you came."¹¹² That was the end. It is true that in a letter to Plancius, Cicero, in speaking of the disordered state in which he then found his domestic affairs, said that as "there was nothing safe nor free from treachery within my own walls, I thought I ought to be protected by the

¹⁰⁹ Cf. Forsyth, vol. ii, pp. 318 sq.

¹¹⁰ According to Dio she was thrice married after her divorce from Cicero.

¹¹¹ Plut., *Cic.*, 41.

¹¹² *Ad Fam.*, xiv, 12.

fidelity of new connections against the perfidy of the old."¹¹³ We have there a clear indication that there was something entirely apart from the prosy details of business affairs, which a chivalrous nature was unwilling to express and yet could not entirely conceal from a friend. If no such hidden cause really existed, then the great moralist can only be defended as he has been by Cardinal Newman who says:

In reviewing this proceeding, we must not adopt the modern standard of propriety, forgetful of a condition of society which reconciled actions, even of moral turpitude, with a reputation for honor and virtue.¹¹⁴

At that time the Roman wife stood at a great disadvantage by reason of the facility with which the husband could divorce her.

The Roman wife at a great disadvantage.

For the very reason that matrimony was for the nobility a political act, the Romans were never willing to allow that it could be indissoluble; indeed, even when the woman was in no sense culpable, they reserved to the man the right of undoing it at any time he wished, solely because that particular marriage did not suit his political interests. And the marriage could be dissolved by the most expeditious means, without formality—by a mere letter!¹¹⁵

The only consolation Roman law really extended to the abandoned wife was embodied in the provision compelling the divorcing husband to return the dower, a compliance with which provision reduced Cicero, after his divorce from Terentia, to the gravest straits.

Return of the dower.

¹¹³ *Ad Fam.*, iv, 14.

¹¹⁴ "Personal and Literary Character of Cicero," *Historical Sketches*, vol. i, p. 255.

¹¹⁵ Ferrero, *The Women of the Caesars*, pp. 33-34.

CHAPTER XI

TREATISES ON RHETORIC

A fruit-bearing tree and thought-bearing man contrasted.

IN STUDYING the life of a thought-bearing man we should learn from the arborist who, in studying the life of a fruit-bearing tree, is careful to note everything, including the entire environment of earth and air, which marks the initial period that precedes the breaking of the first buds through the bark. Then, as season follows season, he inquires critically into the quantity and quality of the fruit produced down to the time when exhausted nature falters and falls back into a state of decay.

When the life of Cicero as a thought-bearing man is studied by that method, we cannot fail to be impressed by the fact that it ended before it was possible for it to falter or fall back into a state of decay. From about his twentieth to his sixty-fourth year his mind persisted in producing, at fairly regular intervals, immortal fruits that have been to the world like golden apples from the garden of the Hesperides.¹ His intellectual output was never more brilliant or more bountiful than during the two years immediately preceding his death. When his life was suddenly cut off in the forest near Formiae, he went down like a sturdy oak felled by the axmen with all its leaves fresh and green upon it. There had been no decay; the stem was severed from the root before disintegration

Cicero fell like an oak with its leaves fresh and green upon it.

¹ "Praeclara facies, magnae divitiae, ad hoc vis corporis, alia hujusmodi omnia, brevi dilabuntur; at ingenii egregia facinora, sicuti anima, immortalia sunt."—Sallust, *Jug.*, 2. "Personal beauty, great riches, strength of body, and all other things of this kind, pass away in a short time; but the noble productions of the mind, like the soul itself, are immortal."

could set in; and so both the tree and its fruits have been preserved for all time.

By the aid of the preceding sketch of Cicero's career as advocate and statesman it will be easier to explain how each one of his productions was the natural, perhaps inevitable, outcome of the particular period of his life to which it belongs. In that way it will appear how unpremeditated his career as an author really was. As he grew, his thoughts grew with his experience; and in the fragments of time he was able to steal from the exacting duties incident to a busy and eventful life, he embodied them in the letters, speeches, essays, and books that have come down to us.

Each production the natural outcome of a particular period.

As we shall soon see, his first effort at authorship, made at twenty, was in the form of a treatise on rhetoric, composed at a time when the laws were silent and the courts closed in the midst of the confusion which the Social War had brought about. As the ambitious young advocate could not practice the art with his voice in the courts, he concluded to express himself with his pen in a book. From that time until a few months preceding his death he was producing a series of treatises on rhetoric which can only be fairly judged when considered together as a single progressive development. Out of his experience as a statesman grew his works on the science of politics, *i. e.*, on government and law, which will be next considered as a connected whole.

Conditions that prompted his first treatise on rhetoric.

His works on government and law.

Finally, as he ascended towards the zenith of his powers, his ripest thoughts were recorded in the more mature works on philosophy and theology which admit us into the penetralia of his mind and soul. As sidelights to that long procession of mental creations we have the priceless letters, which begin in his thirty-ninth year, 68 B.C.,

On philosophy and theology.

The correspondence.

when he was already a man of established reputation, and end with the touching appeal addressed to Cassius, in the last letter preserved to us, written very early in July, 43 B.C. In this and the three succeeding chapters an effort will be made to outline briefly the works of Cicero in the order named. When that outline is filled in by a reading of the choicest extracts taken from all of his more important works, as they appear in the Anthology, the general reader should have a fairly clear comprehension of Cicero's mental output considered as a whole.

Young Marcus a recruit at the age of seventeen.

In the account heretofore given of the Social or Italian War we have had a glimpse of young Marcus Cicero as a recruit at the age of seventeen, attached in some capacity to the *pretorium* and the person of the consul Strabo, with whose son Cnaeus Pompey, very near his own age, he was then for the first time brought into contact.² Reference was then made to the horrors of a civil war in which the only chance for success was in the possession of a superior army, and in which defeat was followed by the annihilation of the routed faction. The Commonwealth itself seemed to be in a state of disintegration; the thirst for vengeance knew no bounds, and nearly all the great orators that remained fell victims to the fury of class hatred.

Courts closed by a special decree.

While the outward forms of the old republican constitution still survived, there was no real government by the people at the time Cinna pretended to be their leader, or by the Senate, only a fraction of which then remained at the capital. In the midst of such scenes that body had, by a special decree, closed the ordinary courts, thus cutting off all opportunity for listening to forensic procedure.

² See above, p. 84.

The rising light of the bar, Hortensius, was away with the army, and so was Sulpicius Rufus, the most distinguished of those in middle life, and Antonius, the most famous orator among the older men. The only court of importance still open was the Commission of High-Treason to whose bar some of the noblest men in Rome were brought on the charge of having "incited the allies to revolt." Of one of its victims, the orator Caius Cotta, Cicero writes: "His exile just at the time I was most anxious to hear him was the first unfortunate incident in my career."³ At such a moment when all hope of a forensic career seemed to have vanished, Cicero resolved to compensate himself for the loss of opportunity for practical oratory by composing a book in Latin upon the general theory of rhetoric—rhetoric being then considered, of course, as a branch of philosophy; and, according to Cicero, philosophy is "the fountain head of all perfect eloquence, the mother of all good deeds and good works."⁴ If certain passages of the *De Oratore*,⁵ put into the mouth of the orator Crassus, may be taken as autobiographical of Cicero himself, we have the following description of his method of preparation as a stylist in Latin prose. He says:

Exception,
Commission
of High-
Treason.

A book on
the general
theory of
rhetoric.

In daily notes with my pen [*commentationibus*] as a young person I was wont to set before me that training particularly. . . . Having taken some lines from a poet, lines preëminent for weighty meaning, or having read some speech to a point of extent which I could comprehend in memory, I reproduced the very subject-matter which I had read [but] with different words, and as choice words as I possibly could. But afterwards I observed that this procedure had *this* fault, that those words which were most specifically suitable, had been appropriated already by Ennius,

Preparation
as a stylist in
Latin prose.

³ *Brut.*, 89.

⁴ *Ibid.*, 93.

⁵ For example, i, 34. Cf. Sihler, pp. 32-33.

if it was his poetry that I was practicing on, or by Gracchus, if I perhaps had set a speech of his before me, that consequently if I used the same words, I gained no advantage, and if others, it was even a hindrance towards advancement, since I formed the habit of using less appropriate words.

Afterwards I determined, and I followed this practice in my youth, to translate the speeches of the greatest Greek orators. After their perusal I gained this result, that when I reproduced in Latin what I had read in Greek, I used not only the best and still current words, but even latinized certain words by imitating them, which were new to the Latin world, provided they were only suitable.⁶

Poverty of
Roman letters
prior to
Cicero's time.

The fact here emphasized that Ennius and Caius Gracchus held the first places among the Latin classics studied by the young advocates as models of style, naturally suggests the poverty of Roman letters at that time. After a review of the initial period of Roman literature, beginning about 240 B.C. and ending in the early manhood of Cicero, it is impossible not to understand that, prior to the appearance of his works, no serious attempts had been made by the Romans, deficient in philosophical acuteness, to apply the Latin tongue to philosophical subjects, the natural stubbornness of the language conspiring to prevent such an application.

Ennius.

Ennius (239-169 B. C.) had done something, it is true, to give a new impetus to the native genius and a new direction to Roman letters as a medium of conciliation between Greek and Roman thought, endowed as he was with "a poetical imagination and animated with enthusiasm for a great ideal." Contemporary with him was M. Porcius Cato (234-149 B.C.), who, setting himself in antagonism to the literature of imagination created by Ennius placed prose literature on the main lines it after-

M. Porcius
Cato.

⁶ *De Orat.*, i, 34.

ward followed by making it ancillary to politics⁷ and to objects of practical utility.

As the head of an historical school, Cato, the author of the *Origines*, stands first among those who, imbued with the thoroughly Roman conception of history as a chronicle of actors and events considered as incidents in the progressive life of the state, ignore almost entirely their causes or their general interest as viewed from a sociological standpoint. More perfectly than either Naevius or Plautus, Cato represents the pure native element in Roman literature, the primitive character of Latium, the plebeian pugnacity conspicuous as one of the great forces in Roman society.

The Roman farmer class to which Cicero's grandfather, living at the time of his birth, belonged, was full of that kind of pugnacity, always aroused by every kind of innovation, even where the introduction of Greek learning was concerned. The old knight, who hated the Greeks, used to say that his countrymen were like Syrian slaves, the more Greek they knew the greater rascals they were. There was, however, a better feeling on that subject among the friends of Cicero's father, who was proud of the acquaintance of Marcus Antonius and Lucinius Crassus, eminent pleaders at the Roman bar, who were steeped in Greek learning and culture, the former speaking Greek with great fluency. And yet so fearful of disturbing ancient habits and traditions was Crassus, who seems to have taken a kindly interest in the education of the young Marcus and his brother

Cicero's
grandfather.

Greek
learning of
Antonius
and Crassus.

⁷ He was the first to publish his speeches, and in that way gave an impulse to the creation of Roman oratory. Cicero says that one hundred and fifty of these speeches were extant in his day. See the excellent article on "Roman Literature" by Professor Sellar of the University of Edinburgh, *Enc. Brit.*, 9th ed., vol. xx.

Quintus, that, when censor in the year 92 B. C. he joined with his colleague in the issuance of a decree, heretofore quoted, closing the schools of the Latin rhetoricians.

Cicero's rhetorical training defective on the ethical side.

In the light of such an edict it is not strange that in his later years Cicero, who took up the study of oratory and rhetoric before he had completed his fifteenth year, should have complained that his rhetorical training was specially defective on the ethical side, a training which should have been made the prelude to his studies in government and law. And yet he persisted, despite all obstacles, in perfecting himself in rhetoric with all that the name implied. The acquisition of the power to express himself perfectly in Latin, both with tongue and pen, was the object he put above all others at the outset of his career. He was not dismayed by the fact that, at that time, the Romans had no manuals of philosophy or any philosophical writings in Latin apart from the poem of Lucretius, and some poor productions by obscure Epicureans. He was not discouraged by the fact that Latin was not a philosophical language, nor one in which a deep thinker could express himself with clearness and purity. He purposed to do all in his power to remove both defects. In the words of a masterful critic:

Latin not a philosophical language.

Cardinal Newman's tribute.

Terence and Lucretius had cultivated simplicity; Cotta, Brutus, and Calvus had attempted strength; but Cicero rather made a language than a style; yet not so much by the invention as by the combination of words. Some terms, indeed, his philosophical subjects obliged him to coin;⁸ but his great art lies in the application of existing materials, in converting the very disadvantages of the language into beauties, in enriching it with circumlocutions and metaphors, in pruning it of harsh and uncouth

⁸ *De Fin.*, iii, 1 and 4; *Lucull.*, 6; *Plut., Cic.*, 58.

expressions, in systematizing the structure of a sentence. This is that *copia decendi* which gained Cicero the high testimony of Caesar to his inventive powers, and which, we may add, constitutes him the greatest master of composition that the world has ever seen.⁹

The classicists, who are always full of cares, will never be able perhaps to solve all the problems growing out of the publication of a certain Latin manual in four books, composed at Rome, and addressed to a certain Herennius, covering the entire domain of rhetoric. It seems to be clear that the publication of that work preceded that of Cicero's *De Inventione Rhetorica*, only two books of which have survived, a torso only of what was originally intended to be a comprehensive treatise (*ars*). It is possible that the publication of the complete manual, *Ad Herennium*, influenced Cicero not to continue and complete his own work. It seems to be safe to say that both writers, in the main, latinized a Greek original, and evidently the same one, a prominent feature of both being the theory of *status*, *i. e.*, "the entire range of positions, assumed or assumable, in the struggle between the prosecution and defense, the essential thing in the entire doctrine of proving and disproving."¹⁰

The
Latin manual
addressed to
Herennius.

A Greek
original
latinized.

While it is impossible to say exactly when Cicero's work was published, the expressions employed in the *De Oratore*: *quoniam quae pueris aut adolescentulis nobis ex commentariolis nostris inchoata ac rudia exciderunt, vix hac aetate digna et hoc usu quem ex causis, quas diximus, tot tantisque consecuti sumus*,¹¹ evidently point to his early youth—probably to that part of it passed in the midst of the reign of terror darkened by the acts of

⁹ Cardinal Newman, "Cicero," *Historical Sketches*, vol. i, p. 297.

¹⁰ Sihler, p. 35.

¹¹ *De Orat.*, i, 2.

All of Cicero's compositions on rhetoric drawn from Greek sources.

How eloquence must be considered.

Constituent elements of a speech.

Constitution of the case.

Cinna and Marius (87-84 B.C.).¹² From his Greek teachers, and from the writings of the Greeks, notably Aristotle, Socrates, and Theophrastus, Cicero evidently derived the materials for all his rhetorical works, which were refined as time went on by his own speculative researches, and his wide personal experience of the oratorical art.

In his first effort, *De Inventione*, after speaking of the origin and growth of eloquence, its use and abuse, he says it must be considered first, as to its general character and position among the sciences (*genus*); second, as to the function it is expected to perform (*officium*); third, as to the end it is designed to attain (*finis*); fourth, as to the subject-matter of a discourse (*materia*); fifth, as to the constituent elements of a discourse (*partes rhetoricae*). The subject-matter of a discourse must be classified according to the audience, which may be composed of mere students of the oratorical art, or of those who compose legislative and political assemblies as judges of the future, or of those who compose the courts of law as judges of the past.

The constituent elements of a speech should consist of the invention of arguments (*inventio*); of their arrangement (*dispositio*); of the form of their expression (*eloquutio*); of clearness of perception and tactful presentation (*memoria*); of the delivery, including modulation of the voice and gestures (*pronuntiatio*). Every case involving a difference of opinion (*controversia*) presents a question termed the constitution (*constitutio*) of the

¹² Here I desire, once for all, to acknowledge my great indebtedness, in this and the three following chapters, to the invaluable article on Cicero contained in Smith's *Dictionary of Greek and Roman Biography and Mythology*, a source of knowledge whose critical and historical value does not diminish with the flight of time.

case. After that has been determined, we must next settle whether a single question is involved or several, and whether the arguments do not depend on some document. After the exact point has been determined, the plea in justification, the rejoinder, and the replication must each be considered in its order.

Not until such matters have all been settled should the orator proceed to arrange his exordium, or introduction; his statement of his case; his explanation of the manner of handling it; his array of arguments in support of his positions; his refutation of the arguments of his antagonist; his conclusion or peroration. Such was the substance of this adaptation from the Greek rhetoricians, which had great vogue in the Middle Ages, despite the fact that Cicero himself spoke too slightly of it in his later years as a crude performance.¹³ The following are certainly grave reflections from a young man of say one-and-twenty:

Final arrangement of the discourse.

A controversy arises with respect to the letter of the document and to its meaning, when one party employs the very words which are set down in the paper, and the other applies all his arguments to that which he affirms that the framers of the document intended. But the intention of the framer of the document must be proved, by the man who defends himself by reference to that intention, to have always the same object in view and the same meaning; and it must also, either by reference to the action or to some result, be adapted to the time which the inquiry concerns. . . .

How a document should be construed.

Definition is when a word is set down in a written document, whose exact meaning is inquired into, in this manner: There is a law, "Whoever in a severe tempest desert their ship shall be deprived of all their property; the ship and the cargo shall belong to those men who remain by the ship." Two men, when they sailed on the open sea, and when the ship belonged to one of them and the cargo to another, noticed a shipwrecked man swimming

When a contestant "relies on the letter of the law."

¹³ *De Orat.*, i, 2.

and holding out his hands to them. Being moved with pity they directed the ship towards him, and took the man into their vessel. A little afterwards the storm began to toss them also about very violently, to such a degree that the owner of the ship, who was also the pilot, got into a little boat, and from that he guided the ship as well as he could by the rope by which the boat was fastened to the ship, and so towed along; but the man to whom the cargo belonged threw himself on his sword in despair. On this the shipwrecked man took the helm and assisted the ship as far as he could. But after the waves went down and the tempest abated, the ship arrived in harbor. But the man who had fallen on his sword turned out to be but slightly wounded, and easily recovered of his wound. And then every one of these three men claimed the ship and cargo for his own. Each one of them relies on the letter of the law to support his claim, and a dispute arises as to the meaning of the expressions "to abandon the ship," "to stand by the ship," and even what "the ship" itself is.¹⁴

De Partitione Oratoria, a catechism for the use of Marcus.

The whole art arranged under three heads.

A useful companion to the treatise *De Inventione* is to be found in *De Partitione Oratoria Dialogus*, generally described as a catechism of rhetoric, according to the method of the Middle Academy, prepared by Cicero in the form of questions and answers, for the use of his son Marcus, probably about the close of the year 46 B.C. or the beginning of the year 45 B.C., shortly before the death of Tullia and the departure of Marcus for Athens. The whole of the art of rhetoric is therein arranged under three heads—the first treating of the subject in reference to the speaker (*vis oratoris*); the second, of the speech (*oratio*); the third, of the case (*questio*). The precepts with regard to the speaker are then ranged under five heads—*inventio*, *collocatio*, *eloquitio*, *actio*, and *memoria*; while the precepts with regard to the speech itself are also arranged under five heads—*exordium*, *narratio*, *confirmatio*, *reprehensio*, *peroratio*. The case

¹⁴ *De Invent.*, ii, 51.

may be *infinita*, in which neither persons nor times are defined; or it may be *finita*, in which the persons are defined, when it is called *causa*. The precepts with regard to the *questio infinita* are then ranged under two heads; and the precepts with regard to the *questio finita* under three heads.

Such *partitiones*, corresponding to the Greek διαίρεσεις, are considered to be the most purely scientific of all Cicero's rhetorical works, despite the tediousness and obscurity of the tract as a whole, which is poor in illustrations and highly technical in its details. The following question and answer may be taken as striking illustrations of its style:

Partitiones
highly
scientific.

VI. *Cicero Fil.* I understand you now so far as simple expressions go; now I ask about words in combination. *Cicero Pat.* There is a certain rhythm which must be observed in such combination, and a certain order in which words must follow one another. Our ears themselves measure the rhythm; and guard against your failing to fill up with the requisite words the sentence which has begun, and against your being too exuberant on the other hand. But the order in which words follow one another is laid down to prevent an oration being a confused medley of genders, numbers, tenses, persons, and cases; for, as in simple words, that which is not Latin, so in combined expressions, that which is not well arranged deserves to be blamed. But there are these five lights as it were, which are common to both single words and combined expressions: they must be clear, concise, probable, intelligible, agreeable. Clearness is produced by common words, appropriate, well arranged, in a well-rounded period; on the other hand, obscurity is caused by either too great length or a too great contraction of the sentence; or by ambiguity; or by any misuse or alteration of the ordinary sense of words. But brevity is produced by simple words, by speaking only once of each point, by aiming at no one object except speaking clearly.¹⁵

Illustrations
of its style.

¹⁵ *De Part. Orat.*, 6.

Quoted by
Quintilian.

As this production is often quoted by Quintilian without any expression of doubt as to its genuineness, there is no real reason to question it, despite the fact that Cicero makes no reference to it in any of his other works.

De Oratore.

We must now turn back to the period of calm towards the end of 55 B.C., about two years after Cicero's return from exile, when, living in comparative retirement from public life, he published the immortal *De Oratore*, the most brilliant and polished of all his rhetorical works, and one of the foremost of all the prose compositions of classical antiquity. In April preceding the publication he writes from Puteoli, where probably the greater part of the *De Oratore* was planned, to Atticus, saying:

A letter to
Atticus.

I am here devouring the library of Faustus.¹⁶ Perhaps you thought I was feasting on the beauties of Puteoli and the Lucrine lake. Well, I have them too. But I declare to heaven that the more I am debarred from the enjoyment of ordinary pleasures, owing to the political situation, the more do I find support and refreshment in literature; and I would rather be sitting in that charming seat of yours, under your bust of Aristotle, than in *their* [Pompey and Crassus'] curule chair, and be taking a stroll with you rather than with the great man [Pompey, as the context shows], with whom I see I shall have to walk.¹⁷

A systematic
work on ora-
tory com-
posed at the
request of
Quintus.

The author put aside all the formal stiffness arising out of the dry technicalities of the schools when he resolved to compose a systematic work on oratory at the request of his brother Quintus, and therefore entitled *De Oratore ad Quintum Fratrem*. The scene is laid in

¹⁶ A son of the dictator Sulla, who is known to have brought back from Athens a famous Aristotelian library.

¹⁷ *Ad Att.*, iv, 10. On November 15 he wrote to Atticus (iv, 13) saying: "About my oratorical books, I have been working hard. They have been long in hand and much revised; you can get them copied [that is, by his librarii, Atticus again acting as his publisher]."

the last days of the great orator Lucius Crassus, and the conversation turns on the subject of rhetoric, and the qualifications requisite for the perfect orator. The second person in the dialogue is the famous rival of Crassus, Antonius, while, in the opening scene Cicero's old teacher, Scaevola, the augur, takes part for a moment in a discussion in which the minor figures are the younger statesmen of the day, such as Catulus and his half-brother C. Julius Caesar Strabo. The technical discussions are artfully enlivened by anecdote and conversation in such a captivating way as to remind the reader of a dialogue of Plato.

An air of grandeur and magnificence reigns throughout. The characters of the aged senators are finely conceived, and the whole company is invested with an almost religious majesty, from the allusions interspersed to the melancholy destinies for which its numbers were reserved.¹⁸

"An air of grandeur and magnificence reigns throughout."

We have in this form a mature and finished exposition, after his long experience as a forensic and tribunitian orator, of Cicero's opinions of his art, as a substitute for the views hastily and imperfectly expressed in his earlier years. The conversations take us to the Tusculan villa of Crassus, at a time (91 B.C.) immediately before the breaking out of the Italian War, when all Rome was stirred by the proposal of the tribune M. Livius Drusus to permit the senators to sit with the *equites* as judges in criminal trials. That proposal, violently opposed by the consul Philippus, was supported as earnestly by Crassus, who had the year before filled the office of censor.

Tusculan villa of Crassus, 91 B.C.

In order to collect his thoughts and nerve himself for the impending conflict, Crassus is supposed to have retired to his country seat accompanied by his friend and political

¹⁸ Newman, "Cicero," *Historical Sketches*, vol. i, p. 281.

ally, M. Antonius, Quintus Mucius Scaevola the augur, Cicero's first law teacher, and the father-in-law of Crassus, and two young men of great promise, C. Aurelius Cotta and P. Sulpicius Rufus, who were eager to distinguish themselves in oratory. After the three sages have exhausted the first day in the discussion of public affairs, they relax on the second, when the group, stretched at ease in the shade of a spreading plane tree, begin, at the solicitation of Cotta and Sulpicius, a conversation on the orator, conducted by the elders, who continue it until the following afternoon.

At the end of the first dialogue¹⁹ Scaevola retires, yielding his place to Catulus and his half-brother, C. Julius Caesar Strabo, the former famed for the perfect purity of his diction, the latter for his biting wit. In the course of the debate as to the qualifications of those who hope to be preëminent in oratory, Crassus, speaking of course the thought of Cicero, after emphasizing the dignity, the importance, the utility of eloquence, describes the varied accomplishments and attainments, practical and theoretical, which must constitute the perfect orator.

Varied
accomplish-
ments of the
perfect
orator.

Antonius, evidently of a more practical temper, while admitting the value of universal knowledge to the orator, if attainable, indicates in no uncertain terms his belief that, instead of wasting his time in the vain effort to master all of the liberal arts, the orator might more profitably employ himself in improving, by self-training and experience, his natural talents, his voice, his manner of delivery. Then Antonius and Crassus enter jointly upon the technology (*τεχνολογία*)²⁰ of the subject, pointing out the principles and rules on which the rhetorical art

Technology
of the subject.

¹⁹ *Ad Att.*, iv, 16.

²⁰ *Ibid.*, iv, 16.

depends, only by the observance of which can perfection in it be attained.

Here it is that we learn:

All action is of the mind, and the mirror of the mind is the face, its index the eyes.²¹

. . . . The mind's eye is more easily impressed by what is seen than by what is heard.²²

. . . . So great is the influence of numbers, that an orator can no more be eloquent without a crowded audience than a flute-player can play without a flute.²³

. . . . History is the witness of the times, the light of truth, the life of memory, the schoolmistress of life, the herald of antiquity; receiving from the voice of the orator alone her credentials to immortality.²⁴

. . . . Nothing attracts so much attention, or retains such a hold upon men's memories, as the occasion when you have made a mistake.²⁵

. . . . Nothing is more rarely found among men than a consummate orator.²⁶

But the most important chapter in *De Oratore* represents an excursion made by Cicero into the domain of law. Putting aside the art of rhetoric he gives us a graphic and detailed description of his ideal of a comprehensive and philosophic treatise upon the entire body of Roman law, which he said he hoped would be written either by his own or some other hand. That remarkable chapter, to which due attention has never been given heretofore, and which defies abridgment, is as follows:

An excursion
into the do-
main of law.

The knowledge of almost all the things, which are now reduced to sciences, was once scattered and dispersed; for instance, in music, rhythm, pitch, and melody; in geometry, lines, figures, distances, and magnitudes; in astronomy, the revolutions of the heavens, the risings, settings, and movements of the stars; in the

²¹ *De Orat.*, iii, 59.

²² *Ibid.*, iii, 41.

²³ *Ibid.*, ii, 83.

²⁴ *Ibid.*, ii, 9.

²⁵ *Ibid.*, i, 28.

²⁶ *Ibid.*, i, 28.

study of literature, the handling of the poets, the knowledge of history, the explanation of words, viz. etymology and grammar, the sounds to be pronounced; finally, in this very art of rhetoric of which we are talking, the invention, expression, arrangement, memorizing, and delivery seem to have been at one time unknown to all, or at least the knowledge of them seems to have been entirely unconnected.

Cicero first
to define the
science of ju-
risprudence.

*Therefore there was applied from without a science of a different genus, which the philosophers claim as entirely their own, a science of such a nature as to bind by a system the parts of a subject hitherto unconnected or even torn apart.*²⁷ Therefore let us take the final end of the *jus civile* to be this, the preservation in the dealings and disputes of citizens of an equity based on law and custom. Then its genera must be reduced to a fixed number and one as small as possible. A genus is that which embraces two or more divisions [*partes*] alike in possessing certain qualities in common but differing in species. The divisions are subordinate to the genera from which they proceed, and the force possessed by all names of the genera and divisions must be set forth in definitions. A definition is a brief but comprehensive statement of those great qualities which are peculiar to the thing we wish to define. To this I should add examples were I not well acquainted with my hearers. As it is, I shall put into words what I have proposed. If I should be permitted to do what I have long been planning, or if somebody else should undertake the task while I am otherwise engaged, or accomplish it after my death—as soon as some one shall divide the whole *jus civile* into its genera, which are very few, next distribute what we may call the numbers of these genera, and then set forth in definitions the proper force of each [term employed], you will have a perfected science of the *jus civile*, large and full indeed, but neither difficult nor obscure. In the meantime, while the scattered fragments are being combined, a person may get a truly scientific knowledge of civil law [*justa juris civilis scientia*], if he will only cull and gather what he can here, there, and everywhere.²⁸

Essence
of Cicero's
unexecuted
plan.

²⁷ "Adhibita est igitur ars quaedam extrinsecus ex alio genere quodam; quod sibi totum philosophi adsumunt, quae rem dissolutam divolsamque conglutinaret et ratione quadam constringeret."

²⁸ *De Orat.*, i, 42.

Where in the juristic literature of our own time can be found a description of what is now known as the philosophy of law, the science of jurisprudence, more terse and lucid than that contained in the italicized portion of this chapter?²⁹ It is impossible, however, to dissociate this attempt, no doubt the first attempt, to describe a philosophy of law, from the work done by Cicero's second law teacher, Scaevola, the younger, of whose famous treatise on the *jus civile* a somewhat extended account has been given already.³⁰

Work of
Scaevola,
the younger.

Some reference should here be made to the extended dissertation contained in the second book of the *De Oratore* (chaps. xliv-lxxi) upon the kinds and uses of wit and the limitations that should be imposed upon its use.

Kinds and
uses of wit.

A jocose manner, too, and strokes of wit, give pleasure to an audience, and are often of great advantage to the speaker; qualities which, even if everything else can be taught by art, are certainly peculiar gifts of nature, and require no aid from instruction. In that department you, Caesar, in my opinion, far excel all other men; on which account you can better bear me testimony, either that there is no art in wit, or, if there be any you will best instruct us in it.

Indeed [says Caesar] think that a man who is not destitute of polite learning can discourse upon any subject more wittily than upon wit itself. . . . I found, it is true, many laughable and witty sayings of the Greeks; for those of Sicily excel in that way, as well as the Rhodians and Byzantines; but, above all, the people of Attica. But they who have attempted to deliver rules and principles on that subject, have shown themselves so extremely foolish that nothing else in them has excited laughter but their folly. This talent, therefore, appears to me incapable of being communicated by teaching. As there are two kinds of wit, one running regularly through a whole speech, the other pointed and

Impossible
to make
rules on the
subject.

²⁹ See the author's *Science of Jurisprudence*, pp. 37-40.

³⁰ See above, p. 72.

concise, the ancients denominated the former humor [*cavillatio*], the latter jesting.³¹

In attempting to explain the nature of laughter Cicero says:

Nature of
laughter.

Concerning laughter, there are five things which are subjects of consideration: One, "What it is"; another, "Whence it originates"; a third, "Whether it becomes the orator to wish to excite laughter"; a fourth, "To what degree"; a fifth, "What are the several kinds of the ridiculous?" As to the first, "What laughter itself is," by what means it is excited, where it lies, how it arises, and bursts forth so suddenly that we are unable, though we desire, to restrain it, and how it affects at once the sides, the face, the veins, the countenance, and eyes, let Democritus consider; for all this has nothing to do with my remarks, and if it had to do with them, I should not be ashamed to say that I am ignorant of that which not even they understand who profess to explain it.³²

A little later on we are asked to —

The
thought and
language in
conjunction.

. . . . consider briefly the sorts of jests that chiefly excite laughter. Let this, then, be our first division, that whatever is expressed wittily, consists sometimes in a thought, sometimes in the mere language, but that men are most delighted with a joke when the laugh is raised by the thought and the language in conjunction. . . . The old saying of Nero about a thieving servant is humorous enough, that he was the only one from whom nothing in the house was sealed and locked up; a thing which is not only said of a good servant, but in the very same words.

In *Orator* we are told —

. . . . that the orator ought to use ridicule in such a way as neither to indulge in it too often, that it may not seem like buffoonery; nor in a covertly, obscure manner, that it may not seem like the wit of a comedian; nor in a petulant manner, lest it should seem spiteful; nor should he ridicule calamity, lest that should seem inhuman; nor crime, lest laughter should usurp the place which hatred ought to occupy; nor should he employ this weapon

³¹ *De Orat.*, ii, 54.

³² *Ibid.*, ii, 58.

when unsuitable to his own character, or to that of the judges, or to the time; for all such conduct would come under the head of the unbecoming.³³

When we inquire as to the manner in which he applied his rules in the actual practice of the art of oratory, we have the words of Plutarch who, in reproducing no doubt the statements of some well-informed earlier author, says:

Comments of
Plutarch and
Quintilian
on Cicero's
manner.

Cicero's manner of delivery contributed much to his persuasiveness, and he would ridicule orators that spoke with a loud voice, saying that on account of weakness they had recourse to shouting, just as lame men take to riding horseback. The readiness and sharpness of such wit seemed clever and well suited to the courts, but by giving it too free exercise he hurt the feelings of many and gained the reputation of being malicious.³⁴

Quintilian, after declaring that Cicero was too much given to raising a laugh, in the courts and outside of them, says:

Whether I am judging rightly or whether I am led astray by too great love of the consummate master of eloquence, there was in him a marvelous vein of wit; for his ordinary conversation abounded in pleasantry, while in disputes and in examining witnesses he uttered more witticisms than any other orator, and he credits to others the dull jests in the process against Verres, introducing them as evidence, so that the more commonplace they are the easier it is to believe that they were not original with him but were really already current.³⁵

An indication as to the "proper time, moderation, and forbearance" to be observed in jesting is given in connection with the story of a certain Appius, who said to Caius Sextius, an acquaintance who was blind in one eye: "I will dine with you tonight as I see there is a vacancy for one." Cicero condemned the jest of Appius as scur-

Moderation
and forbear-
ance to be
observed.

³³ *Ad Brut. Orat.*, 26. ³⁴ *Plut., Cic.*, 9. ³⁵ *Quint., Inst. Orat.*, vi, 3, 3.

rilous because evidently premeditated and calculated to give needless pain, and at the same time commended the apt reply of Sextius, who said instantly: "Wash your hands and come to dinner."³⁶ Cicero was, however, as brutal as Appius when the crippled Vatinius, evidently expecting a compliment, told him that he was now walking two miles a day. "Of course," the orator replied, "the days are longer."³⁷

Typical
witticisms
attributed to
Cicero.

When, through Caesar's favor, Vatinius, at the end of the year 47 B.C., was raised to the consulship for a few days to fill a vacancy, Cicero said that a wonderful thing had happened in the year of Vatinius, because in that consulship there was neither spring, summer, autumn, or winter; and when Vatinius complained that he had received no visit from him, Cicero apologized by saying, "I wished to come in your consulship, but the night overtook me." When Q. Fabius Maximus the consul died on the last day of December, 45 B.C., and Caesar had Caninius Rebilus elected and installed to fill the vacancy during the few remaining hours of the day, Cicero made merry over the event, saying: "We have a watchful consul in Caninius; during his consulship he did not sleep a wink." According to Plutarch, when Munatius, who had escaped conviction through Cicero's advocacy, immediately prosecuted his friend Sabinus, he said in the warmth of his resentment, "Do you suppose you were acquitted for your own merits, Munatius, and that it was not that I so darkened the case that the court could not see your guilt?" And in the same vein, when from the Rostra he had eulogized Marcus Crassus, with much applause, and within a few days afterwards as publicly

³⁶ *De Orat.*, ii, 60. That is taken as an indication that he was either unclean or dishonest.

³⁷ Quint., *Inst. Orat.*, vi, 3, 77.

reproached him, Crassus called out to him and said, "Did not you yourself two days ago in this same place commend me?" "Yes," the orator replied, "I exercised my eloquence in declaiming upon a bad subject."

Another time Crassus had said that no one of his family had ever lived beyond sixty years of age, and afterwards denied it, and asked, "What should put it into my head to say so?" "It was to gain the people's favor," answered Cicero, "You knew how glad they would be to hear it." And when Crassus expressed his admiration of the Stoic doctrine, that the good man is always rich, "Do you not mean," said Cicero, "their doctrine that all things belong to the wise?" Crassus being generally accused of covetousness.

After one of Crassus's sons, who was thought so very like a man of the name of Axius as to throw some suspicion on his mother's honor, had made a successful speech in the Senate, Cicero, when asked how he liked it, replied with the Greek words, *Axios Crassou*. To Metellus Nepos, who, in a dispute between them, repeated several times, "Who was your father, Cicero?" he replied, "Your mother has made the answer to such a question in your case more difficult." When Vatinius, who had swellings in his neck, was pleading a cause, Cicero called him the *tumid* orator; and having been told by someone that Vatinius was dead, on hearing presently after that he was alive, "May the rascal perish," said he, "for his news not being true."

When Caesar proposed in the Senate a law for the division of the lands in Campania among the soldiers, many opposed it; and among them Gellius, one of the oldest members of the body, who said it should never pass while he lived. "Let us then postpone it," said Cicero; "Gellius

does not ask us to wait long." When a man by the name of Octavius, suspected to be of African descent, complained, while Cicero was pleading, that he could not hear him, the orator retorted: "Yet there are holes in your ears." To a young man who was suspected of having given a poisoned cake to his father, and who talked largely of the invectives he meant to deliver against Cicero, "Better these," he replied, "than your cakes."

Lucius Cotta, an intemperate lover of wine, was censor when Cicero stood for the consulship. Becoming thirsty at the election, his friends stood around him while he was drinking. "You have reason to be afraid," the candidate said, "lest the censor should be angry with me for drinking water." Meeting one day Voconius with his three very ugly daughters, he quoted the verse, "He reared a race without Apollo's leave." When Gellius, who was said to be the son of a slave, had read several letters to the Senate in a very shrill and loud voice, "Wonder not," said Cicero, "he comes of the criers."

When Faustus Sulla, the son of the dictator who had by his public bills proscribed and condemned so many to death, had so far wasted his estate as to be forced to publish his bills of sale, Cicero told him that he liked his bills much better than those of his father.

When Metellus Nepos told him that he had ruined more as a witness than he had saved as an advocate, "I admit," said Cicero, "that I have more truth than eloquence." Publius Sextius, after having retained Cicero among others as his advocate in a certain cause, was still desirous to say all for himself, and would not allow anybody to speak for him. When he was about to

receive his acquittal from the judges, and the ballots were passing, Cicero called out to him, "Make haste, Sextius, and use your time; tomorrow you will be nobody."

On a certain occasion he cited as a witness Publius Cotta, who affected to be thought a lawyer though ignorant and unlearned. After he had said, "I know nothing of the matter," Cicero answered, "You think, perhaps, we are asking you about a point of law." It was well known that Hortensius, who defended Verres, had received a famous ivory sphinx as a part of his reward. So after the prosecutor in some part of his speech, by a dark hint, had indirectly reflected upon him in such a way as to prompt Hortensius to say that he was not skilful in solving riddles, "No," said Cicero, "and yet you have the Sphinx in your house."

While Quintus Cicero, very small in stature, was in the province of Asia, of which he was governor, a half-length portrait was painted representing him as of heroic size. When Cicero saw it, he exclaimed, "The half of my brother is greater than the whole." One day when he was dining out, his host, Damasippus, had some inferior wine brought in, saying at the same time, "Drink this Falernian, it's forty years old." As he sipped it, Cicero remarked, "It bears its age well." A native of Laodicea who had come to Caesar, then at the height of his power, as an envoy on behalf of the liberty of his state, met Cicero, who said, "If you happen to find it, act as envoy for us also." When he was requested to aid a friend to secure a seat in the council of a municipal town, having in mind the strange elements introduced by Caesar into the Senate at Rome, he replied, "The man shall have what you ask at Rome, if you like, but

it is a difficult matter to secure such a privilege at Pompeii." ³⁸

*Brutus
de Claris
Oratoribus.*

Sketches of
all the famous orators
of Greece
and Rome.

Nearly ten years divide the conversations under the plane tree at Tusculum from the dialogues of Atticus, Brutus, and Cicero himself, on a grass plot, in front of a colonnade, attached to the house of the latter at Rome, with a statue of Plato nearby, generally entitled *Brutus de Claris Oratoribus*. Great changes had taken place in the meantime. Caesar, already master of the state, was campaigning in Africa against the king of Numidia and the remnants of the oligarchy, when, in 46 B.C., Cicero published, as a dialogue in the style of Aristotle, the history of eloquence, containing graphic sketches of all the famous speakers of Greece and Rome down to his own time. As the living were excluded, the line ends with the great Hortensius, whom Cicero had heard with admiration as a youth and rivaled as a man. At the outset he says:

Country no
longer supported by the
talents, wisdom, and
authority
of law.

If Hortensius were now living, he would probably regret many other advantages common with his worthy fellow-citizens. But when he beheld the Forum, the great theatre in which he was accustomed to exercise his genius, no longer accessible to that finished eloquence which could charm the ears of a Roman or Grecian audience, he must have felt a pang of which none, or at least but few, besides himself could be susceptible. Even I indulge heartfelt anguish when I behold my country no longer supported by the talents, the wisdom, and the authority of law—the only weapons which I have learned to wield, and which are most suitable to the character of an illustrious citizen, and of a virtuous and well-regulated state. But if there ever was a time when the authority and eloquence of an honest individual could have

³⁸ The statement has been made heretofore (see above, p. 18) that fifty or more of the witticisms attributed to Cicero, but not found in his works, have been preserved by Plutarch, Quintilian, and Macrobius and conveniently assembled in the *Fragmenta* in the editions of Cicero's works by Baiter and Kayser (vol. xi) and C. F. W. Mueller (Pt. iv, vol. iii).

wrested their arms from the hands of his distracted fellow citizens, it was then when the proposal of a compromise of our mutual differences was rejected, by the hasty imprudence of some and the timorous mistrust of others.

Thus it happened, among other misfortunes of a more deplorable nature, that when my declining age, after a life spent in the service of the public, should have reposed in the peaceful harbor, not of an indolent and total inactivity, but of a moderate and honorable retirement, and when my eloquence was properly mellowed and had acquired its full maturity—thus it happened, I say, that recourse was then had to those fatal arms, which the persons who had learned the use of them in honorable conquest could no longer employ to any salutary purpose. Those, therefore, appear to me to have enjoyed a fortunate and happy life (of which state they were members, but especially in ours), who, together with their authority and reputation, either for their military or political services, are allowed to enjoy the advantages of philosophy; and the sole remembrance of them, in our present melancholy situation, was a pleasing relief to me, when we lately happened to mention them in the course of conversation.³⁹

In describing the condition of things existing when he went to the bar, Cicero says:

Hortensius joined the army, and served the first campaign as a volunteer, and the second as a military tribune; Sulpicius was made a lieutenant-general; and Antonius was absent on a similar account. The only trial we had was that upon the Varian law; the rest, as I have just observed, having been intermitted by the war. We had scarcely anybody left at the bar but Lucius Memmius and Quintus Pompeius, who spoke mostly on their own affairs; and, though far from being orators of the first distinction, were yet tolerable ones. . . . Caius Julius too, who was then a *curule aedile*, was daily employed in making speeches to the people, which were composed with great neatness and accuracy. But while I attended the Forum with this eager curiosity, my first disappointment was the banishment of Cotta; after which I continued to hear the rest with the same assiduity as before; and,

Condition of things when Cicero went to the bar.

³⁹ *Brut.*, 2.

though I daily spent the remainder of my time in reading, writing, and private declamation, I can not say that I much relished my confinement to these preparatory exercises.⁴⁰

In commenting on Curio he says:

Ridicule of
Curio.

The two remaining parts are, pronunciation and memory; in each of which he was so miserably defective as to excite the laughter and ridicule of his hearers. His gesture was really such, as Caius Julius represented it, in a severe sarcasm, that will never be forgotten; for as he was swaying and reeling his whole body from side to side, Julius facetiously inquired who it was that was speaking from a boat? To the same purpose was the jest of Cnaeus Sicinius, a man very vulgar, but exceedingly humorous, which was the only qualification he had to recommend him as an orator. When this man, as a tribune of the people, had summoned Curio and Octavius, who were then consuls, into the Forum, and Curio had delivered a tedious harangue, while Octavius sat silently by him, wrapt up in flannels and besmeared with ointments, to ease the pain of the gout, "Octavius," said he, "you are infinitely obliged to your colleague; for if he had not tossed and flung himself about today, in the manner he did, you would certainly have been devoured by the flies."⁴¹

And yet, despite a few such sallies, the undertone of it all is one of inexpressible sadness. At the close he says:

Lament over
the clouded
future of
Brutus.

But when I look upon *you*, my Brutus, it fills me with anguish to reflect that, in the vigor of your youth, and when you were making the most rapid progress on the road to fame, your career was suddenly cut off by the fatal overthrow of the Commonwealth. This unhappy circumstance has stung me to the heart; and not me only, but my worthy friend here, who has the same affection for you and the same esteem for your merit which I have. . . . For the Forum was your birthright, your native theatre of action; and you were the only person that entered it, who had not only formed his elocution by a vigorous course of private practice, but enriched his oratory with the furniture of philosophical science, and thus united the highest virtue to the

⁴⁰ *Brut.*, 89.

⁴¹ *Ibid.*, 60.

most consummate eloquence. Your situation, therefore, wounds us with the double anxiety that you are deprived of the Republic and the Republic of you.

But still continue, my Brutus (notwithstanding the career of your genius has been checked by the rude shock of our public distresses), continue to pursue your favorite studies, and endeavor (what you have almost or rather entirely effected already) to distinguish yourself from the promiscuous crowd of pleaders with which I have loaded the little history I have given you. . . . Have we not seen that a whole age could scarcely furnish two speakers who really excelled in their profession? Among a crowd of contemporaries, Galba, for instance, was the only orator of distinction; for old Cato (we are informed) was obliged to yield to his superior merit, as were likewise his two juniors, Lepidus and Carbo. But, in a public harangue, the style of his successors, the Gracchi was far more easy and lively; and yet, even in their time, Roman eloquence had not reached its perfection.⁴²

Galba and
Cato.

In speaking of Caius Gracchus as an orator he said:

Caius
Gracchus.

He had an amazing genius, and the most ardent application; and was a scholar from his very childhood; for you must not imagine, my Brutus, that we have ever yet had a speaker whose language was richer and more copious than his. "I really think so," answered Brutus; "and he is almost the only author we have, among the ancients, that I take the trouble to read." "And he well deserves it," said I; "for the Roman name and literature were great losers by his untimely fate. I wish he had transferred his affection for his brother to his country. How easily, if he had thus prolonged his life, would he have rivaled the glory of his father and grand-father! In eloquence, I scarcely know whether we should yet have had his equal. His language was noble; his sentiments manly and judicious; and his whole manner great and striking. He wanted nothing but the finishing touch: for though his first attempts were as excellent as they were numerous, he did not live to complete them."⁴³

Apart from the pen-pictures of the most famous of the Greek models, this discourse, in which the chief inter-

⁴² *Brut.*, 97.

⁴³ *Ibid.*, 33.

A concealed epitome of the history of Rome.

locutor is almost exclusively heard, bristles with striking observations on the scientific principles of the oratorical art, illustrating at the same time the public life and services of the actors dealt with. As a valuable contribution to the history of literature, as a concealed epitome of the history of Rome, the work is marked by the rare taste and discrimination with which it emphasizes the imperfections of the various forms of composition it reviews. Its greatest defect consists in the indistinctness of the impressions left upon the mind by sketches necessarily imperfect by reason of the rapidity with which the writer is compelled to fly from one individual to another in a list too long for his space.

Ad Brutum Orator.

About the beginning of the year 45 B.C., Cicero⁴⁴ produced *Ad Brutum Orator*, the last of the series, beginning with *De Oratore*, on the character of the orator, setting forth the principles and rules of the art, and the qualifications, natural and acquired, necessary for success in it, which was followed by *Brutus de Claris Oratoribus*, remarks on eminent orators, in which the use and application of the principles and rules are illustrated through a critical examination of the merits and defects of those who have actually practiced the art.

The perfect orator.

Then, as the capstone of it all, Cicero, at the request of Brutus, attempted, in *Ad Brutum Orator*, to define the perfect orator who is supposed to be adorned by all the personal qualifications an orator should possess, coupled with a complete knowledge of everything on the scientific side of the subject. The ideal of a faultless public speaker in senate or forum thus presented, while not actually existing, is a possible outcome of a union of the highest

⁴⁴ He says, "Therefore I began this work so soon as I had finished my *Cato*." — *Ad Brut. Orat.*, 10.

natural gifts with the most perfect culture. Upon that creation of his fancy Cicero says he is willing to stake his reputation for knowledge and taste in his art.⁴⁵ In defining his ideal he says:

And I, in depicting a consummate orator, will draw a picture of such an one as perhaps never existed. For I am not asking who he was, but what that is than which nothing can be more excellent. And perhaps the perfection which I am looking for does not often shine forth (indeed I do not know whether it ever has been seen) but still in some degree it may at times be discoverable, among some nations more sparingly. But I lay down this position, that there is nothing of any kind so beautiful which has not something more beautiful still from which it is copied — as a portrait is from a person's face — though it can neither be perceived by the eyes or ears, or by any other of the senses; it is in the mind only and by our thoughts, that we embrace it.

Author defines his ideal.

Therefore, though we have never seen anything of any kind more beautiful than the statutes of Phidias, and than those pictures which I have named, still we can imagine something more beautiful. Nor did that great artist, when he was making the statue of Jupiter or of Minerva, keep in his mind any particular person of whom he was making a likeness; but there dwelt in his mind a certain perfect idea of beauty which he looked upon, and fixed his eyes upon, and guided his art and his hand with reference to the likeness of that model.⁴⁶

Referring to the Greek orators he says:

It is a marvelous thing how far one is superior to all the rest. And yet when Demosthenes flourished there were many illustrious orators, and so there were before his time, and the supply has not failed since. So that there is no reason why the hopes of those men, who have devoted themselves to the study of eloquence, should be broken, or why their industry should languish. For even the very high pitch of excellency ought not to be despaired

Pen-picture of Demosthenes.

⁴⁵ "Mihi quidem sic persuadeo, me quidquid habuerim iudicii de decendo in illum librum contulisse." *Ad Fam.*, vi, 18.

⁴⁶ *Ad Brut. Orat.*, 2.

of; and in perfect things those things are very good which are next to the most perfect. . . .⁴⁷

His defense
of Ctesiphon.

Therefore this great man whom we call so superior to all the rest, in that oration of his in defense of Ctesiphon, which is by far the finest of all his speeches, begins modestly at first; then when he argues about the laws he becomes more animated; afterwards, proceeding gradually, as he saw the judges become excited, he gave himself more license and spoke with more boldness. And yet even in this very man, so carefully weighing the value of every word, Aeschines finds something to reprove and to attack him for; and, laughing at him, he calls them terrible, odious, and intolerable expressions.

Criticisms of
Aeschines.

Moreover, he asks him (for Demosthenes had called him a beast) whether those are words or prodigies; so that even Demosthenes himself does not seem to Aeschines to be speaking in the pure Attic style. For it is easy to remark some impetuous expression, and to turn it into ridicule after the excitement of the mind has been allayed. And accordingly Demosthenes defends himself with a jest; and says that the fortunes of Greece do not depend upon whether he used this word or that, or put out his hand in this or that direction. How, then, would a Mysian or a Phrygian have been listened to at Athens, when even Demosthenes is attacked as an incorrect speaker! And if such a man had begun to sing in his trembling and whining voice, as is the custom of Asiatics, who would have endured him? or who would not have ordered him to be taken away?⁴⁸

The real Attic
manner.

Those people, then, who adapt themselves to the refined and scrupulous ears of an Athenian audience, are the people who deserve to be considered as speaking in an Attic manner. And though there are many kinds of orators of this sort, still the people among us who affect this style have no suspicion of the existence of more than one. For they think that a man who speaks in a brusque and fierce manner, provided only that he uses elegant and well-turned expressions, is the only Attic speaker.

They are greatly mistaken if they think that the only Attic style, though not mistaken in thinking it one kind of Attic style. For if, as their opinion tends to prove, that is the only Attic style,

⁴⁷ *Ad Brut. Orat.*, 2.

⁴⁸ *Ibid.*, 8.

then not even Pericles himself spoke in the Attic manner — a man who is beyond all question in the very highest rank as an orator. But if he had employed only a neat, simple style of oratory, he would never have been said by Aristophanes the poet, to thunder and lighten, and throw all Greece into confusion. Let, then, that most beautiful and polished orator, Lysias, be said to speak in Attic style. For who can deny it?⁴⁹

Pericles
and Lysias.

Such were the efforts made in this idealization to combat the popular error that the most perfect type of the true Attic style consisted of terse, subtle, highly polished, and epigrammatic sentences, necessarily dull and cold to the ear of the ordinary listener, because totally devoid of ornament and amplitude of expression in the form of measured periods. In order to combat that illusion in another way, Cicero rendered into Latin the orations of Demosthenes and Aeschines in the case of Ctesiphon as the two most perfect specimens of Grecian eloquence. The translation itself has not survived; only a short preface explaining the purpose of the undertaking is extant, bearing the title *De Optimo Genere Oratorum*. In that composition Cicero says:

Orations
of Demos-
thenes and
Aeschines
translated
by Cicero.

As there is but one kind of eloquence, what we are seeking to ascertain is what kind it is. And it is such as flourished at Athens; and in which the genius of the Attic orators is hardly comprehended by us, though their glory is known to us. For many have perceived this fact, that there is nothing faulty in them: few have discovered the other point; namely, how much in them there is that is praiseworthy. For it is a fault in a sentence if anything is absurd, or foreign to the subject, or stupid or trivial; and it is a fault of language if anything is gross, or abject, or unsuitable, or harsh, or far-fetched. Nearly all those men who are either considered Attic orators or who speak in the Attic manner have avoided these faults.⁵⁰

Extracts
from the
surviving
preface.

But as there was a great error as to the question, what kind of

⁴⁹ *Ad Brut. Orat.*, 9.

⁵⁰ *De Opt.*, 3.

eloquence that was, I have thought that it became me to undertake a labor which should be useful to studious men, though superfluous as far as I myself was concerned. For I have translated the most famous orations of the two most eloquent of the Attic orators, spoken in opposition to one another: Aeschines and Demosthenes. . . . And this labor of mine will have this effect, that by it our countrymen may understand what to require of those who wish to be accounted Attic speakers, and that they may recall them to, as it were, the acknowledged standards of eloquence.⁵¹

Cicero's last dissertation on the theory of rhetoric was composed on shipboard while sailing towards Greece during the summer that followed Caesar's death, at that fateful time when the wind and the waves forbade his departure from his native land. He said afterwards in a letter to a friend:

I, despairing of freedom, was on the point of hurrying away to Greece, when the Etesian winds, [trade winds] like loyal citizens, refused to further me in my desertion of the Republic, and a south wind blowing in my teeth carried me back by his strongest blast to your fellow-tribesmen of Rhegium. And so from thence I hurried at full speed—sail and oar together—to my country; and the day after my arrival was the one free man in a nation of slaves.⁵²

The dissertation then written on shipboard is known as *Topica ad C. Trebatium*, because the famous jurisconsult Trebatius, who found himself unable to comprehend the *Topics* of Aristotle relating to the invention of arguments, had appealed to Cicero for aid in that regard. The response was an abstract of the original, couched in plain and simple terms, and accompanied by illustrations derived in the main from Roman law instead of Greek philosophy. That abstract, which he promised to supple-

Topica ad C. Trebatium.

A simple abstract of the *Topics* of Aristotle.

⁵¹ *De Opt.*, 5.

⁵² *Ad Fam.*, xii, 25. "The one free man" because he had refused Antony's summons to the Senate on September 1.

ment at some future time by oral explanations, was forwarded by Cicero to his friend from Rhegium on July 28, 44 B.C.⁵³ In it, after defining what is called in Greek *στάσις* and in Latin *status*, he takes this fling at the dead Caesar:

And in this kind of argumentation the conjectural refutation takes place. But when there is any discussion about utility, or honor, or equity, and about those things which are contrary to one another, then come in denials, either of the law or of the name of the action. And the same is the case in panegyrics. For one may either deny that that has been done which the person is praised for; or else that it ought to bear that name which the praiser has conferred on it, or else one may altogether deny that it deserves any praise at all, as not having been done rightly or lawfully. And Caesar employed these different kinds of denial with exceeding impudence when speaking against my friend Cato.⁵⁴

A fling at the dead Caesar.

⁵³ *Ad Fam.*, vii, 19. In that letter he said: "But if certain parts appear to you to be somewhat obscure, you must reflect that no art can be learned out of books without someone to explain it and without some practical exercise in it."

⁵⁴ *Ad Trebat.*, 25.

CHAPTER XII

TREATISES ON GOVERNMENT AND LAW

*De
Republica.*

EARLY in the year 54 B.C., when Caesar was preparing for his second invasion of Britain, Cicero, elated by the brilliant reception of the *De Oratore*, began to work on his comprehensive treatise on the Commonwealth known as *De Republica*. To Atticus, who, as publisher and general adviser, everything was referred, a letter was written in May saying:

I wish you would write to your town house, ordering your books to be at my service just as if you were at home, especially those of Varro. For I have occasion to use some passages of these books in reference to those [six books of the *Republic*] I have in hand, and which I hope will meet with your strong approval.¹

In reply to a suggestion that Varro should figure in the new work, a letter to Atticus in June says:

Varro, of whom you write, shall be put in somewhere, if I can find a place for him. But you know the style of my dialogues: just as in those *On the Orator*, which you praise to the skies, a mention of anyone by the interlocutors was impossible, unless he had been known to or heard of by them, so in the *Dialogue on the Republic*, which I have begun, I have put the discussion in the mouths of Africanus, Philus, Laelius, and Manilius.²

Certainly in
circulation
in the year
51 B.C.

That dialogue in imitation of Plato, whom the author kept constantly in view, was finally arranged in six books, which were certainly in general circulation in the year 51 B.C.³

¹ *Ad Att.*, iv, 14.

² *Ibid.*, iv, 16.

³ The precise date of publication is unknown. It was in an unfinished state in September, 54 B.C.

At the time of the Renaissance nothing could be found of the *De Republica* except "Scipio's Dream," extracted entire from the sixth book by Macrobius, and certain fragments quoted by grammarians and ecclesiastics, especially by St. Augustine and Lactantius. And so matters stood down to 1822, when Monsignor Mai, librarian of the Vatican, found considerable portions of the long-lost treasure in a palimpsest obliterated to make way for St. Augustine's *Commentary on the Psalms*. The portions thus recovered, when added to other fragments, give us perhaps one-third of the whole, the basis upon which all modern estimates have been made of a work whose direct and practical purpose was to arouse Roman citizens to the dangers which then threatened destruction to the liberties of their country. The first book, a splendid epitome of the science of politics as understood at that time, emphasized the truth that the study of philosophy should be made as practical as possible, so applied in fact to political and active life as to satisfy Plato's maxim — "Happy is the nation whose philosophers are kings, and whose kings are philosophers."

Not more
than a third
of the whole
survives.

First book an
epitome of
the science
of politics.

For our country did not beget and educate us [the author says] with the expectation of receiving no support, as I may call it, from us; nor for the purpose of consulting nothing but our convenience, to supply us with a secure refuge from idleness and a tranquil spot for rest; but rather with a view of turning to her own advantage the nobler position of our genius, heart, and counsel, giving us back for our private service only what she can spare from the public interests.⁴

As a patriotic statesman Cicero never wearied in denouncing the Greek philosophers who, absorbed in transcendental metaphysics and closet speculations, taught that

⁴ *De Repub.*, i, 4.

true philosophers should not take part in the actual management of public affairs. Then, after defining the meaning of the word "republic," he proceeds to analyze and compare the three chief forms of government—the monarchic, the aristocratic, and the democratic.

Three chief forms of government analyzed.

When the direction of all depends on one person [he says] we call this individual a king, and this form of political constitution a kingdom. When it is in the power of privileged delegates, the state is said to be ruled by an aristocracy; and when the people are all in all, they call it a democracy, or popular constitution.⁵

Scipio thus states his preference:

Scipio's preference for royalty.

Since these are the facts of experience, royalty is, in my opinion, very far preferable to the three other kinds of political constitutions. But it is itself inferior to that which is composed of an equal mixture of the three best forms of government, united and modified by one another. I wish to establish in a commonwealth a royal and preëminent chief. Another position of power should be deposited in the hands of the aristocracy and certain things should be reserved to the judgment and wish of the multitude.⁶

Second book a review of the origin and growth of the Roman constitution.

Such is the prelude to the second book, in which is contained an able and eloquent review of the origin and growth of the Roman constitution. When Sir James Macintosh, as one of the pioneers of the historical school, said: "Constitutions are not made, they grow," he was simply reechoing, quite unconsciously no doubt, the opening lines of chapter 22, book ii, of *De Republica*: "Then Laelius said: 'All that you have been relating simply corroborates the saying of Cato, that the Constitution of the Roman Republic is not the work of any one age, or of any one man.'"

Tribute to the early kings.

In tracing its evolution Cicero begins with the early kings, upon whom he bestows the warmest praise, empha-

⁵ *De Repub.*, i, 45.

⁶ *Ibid.*

sizing the great advantages that had resulted from the primitive monarchical system. Then, after explaining how that system had been gradually swept away, he emphasizes the importance of reviving it by drawing an animated picture of the evils and misfortunes that had befallen the Commonwealth by reason of an excess of democratic folly and violence which had gradually won an alarming preponderance. In the light of his large political experience he concludes by forecasting, in a kind of prophetic vision, the subsequent revolutions that such a state of things must necessarily bring about. After reviewing the reign of the last king of Rome, he indulges in this weighty reflection:

Here begins the revolution in our political system of government and I must beg your attention to its natural course and progression. For the great point of political science, the object of our discourses, is to know the march and the deviations of governments, so that when we are acquainted with the particular courses and inclinations of constitutions we may be able to restrain them from their fatal tendencies, or to oppose obstacles to their decline and fall.⁷

The great point in political science.

In contrasting his history of a real commonwealth with Plato's vision of an ideal one, Cicero says:

And he has given us a description of a city, rather to be desired than expected; and he has made out not such a one as can really exist, but one in which the principles of political affairs may be discerned. But for me, if I can in any way accomplish it, while I adopt the same general principles as Plato, I am seeking to reduce them to experience and practice, not in the shadow and picture of a state, but in a real and actual commonwealth, of unrivalled amplitude and power; in order to be able to point out, with the most graphic precision, the causes of every political good and social evil.⁸

An ideal and real commonwealth contrasted.

⁷ *De Repub.*, ii, 25.

⁸ *Ibid.*, ii, 30.

Great moral obligations as the basis of political union.

Here spoke in no uncertain terms a Stoic of the school of Panaetius, the reformer who, ignoring dialectic subtleties, taught a practical system of morals which dealt directly with "external duties," required of all men, wise and unwise. The latter part of the second book is devoted to a searching inquiry into the great moral obligations that constitute the foundation of all political union.

I declare to you [said Scipio] that I consider that all I have spoken respecting the government of the state is worth nothing, and that it will be useless to proceed further, unless I can prove that it is a false assertion that political business cannot be conducted without injustice and corruption; and, on the other hand, establish a most indisputable fact that without the strictest justice, no government whatever can last long.⁹

Third book a collection of disjointed fragments.

From that declaration, closing the second book, we pass to the third, a mere collection of disjointed fragments, which, as we learn from St. Augustine and Lactantius, embodied a protracted discussion of the famous paradox of Carneades, that justice is only a vision, or rather a delusion. Taking up the great question of political justice, Cicero undertakes to maintain the absolute verity of the proverb, "Honesty is the best policy," in public as well as private affairs. For a masterly analysis of his disquisition on that subject we are indebted to St. Augustine's *City of God*, wherein the following appears:

"Honesty the best policy."

St. Augustine's *City of God*.

In the third book of Cicero's *Commonwealth* the question of Political Justice is most earnestly discussed. Philus is appointed to support, as well as he can, the sophistical arguments of those who thought that political government cannot be carried on without the aid of injustice and chicanery. He denies holding any such opinion himself; yet, in order to exhibit the truth more vividly through the force of contrast, he pleads, with the utmost

⁹ *De Repub.*, ii, 44.

ingenuity, the cause of injustice against justice; and endeavors to show by plausible examples and specious dialectics, that injustice is as useful to a statesman as justice would be injurious.

Then Laelius, at the general request, takes up the plea for justice, and maintains with all his eloquence that nothing could be so ruinous to states as injustice and dishonesty, and that without a supreme justice, no political government could expect a long duration. This point being sufficiently proved, Scipio returns to the principal discussion. He reproduces and enforces the short definition that he had given of a commonwealth—that it consisted in the welfare of the entire people, by which word “people” he does not mean the mob, but the community, bound together by the sense of common rights and mutual benefits.

He notices how important such just definitions are in all debates whatever, and draws the conclusion from the preceding arguments—that the commonwealth is the common welfare wherever it is swayed with justice and wisdom, whether it be subordinate to a king, an aristocracy, or a democracy. But if the king be unjust, and so becomes a tyrant; and the aristocracy unjust, which makes them a faction; or the democrats unjust, and so degenerate into revolutionists and destructives—then not only the commonwealth is corrupted, but in fact annihilated; for it can be no longer the common welfare when a tyrant or a faction abuse it; and the people itself no longer the people when it becomes unjust, since it is no longer a community associated by a sense of right and utility according to the definition.¹⁰

From the few scattered fragments that remain of the fourth book, some of them of enticing beauty, it is possible to affirm that it was a dissertation upon the duties of citizens in public and private life, involving a treatment of morals and education, and the use and abuse of stage entertainments. And from equally imperfect data we may conclude that the fifth book, after a prologue lamenting the general depravity of morals becoming rapidly more corrupt, was devoted to the duties of magis-

Fourth book
a dissertation
on duties of
citizens.

The fifth on
the duties of
magistrates.

¹⁰ Aug., *Civ. Dei*, 3-21.

trates in the administration of the laws, including a review of Roman legal procedure, beginning with the infancy of the city when the only courts were those held under the paternal jurisdiction of the kings.

Sixth book embodies an appeal based on rewards beyond the grave.

It is in the sixth book that Cicero strengthens his appeal to his countrymen "to rise on stepping-stones of their dead selves to higher things," by the promise that all patriotic and philanthropic statesmen shall be rewarded not only on earth by the approval of their own consciences and the applause of all good citizens, but by immortal glory in a heavenly realm beyond the grave:

Now, in order to encourage you, my dear Africanus, continued the shade of my ancestor, to defend the state with the greater cheerfulness, be assured that, for all those who have in any way contributed to the preservation and enlargement of their native country, there is a certain place in heaven where they shall enjoy an eternity of happiness. For nothing on earth is more agreeable to God, the Supreme Governor of the universe, than the assemblies and societies of men united together by laws, which we call states. It is from heaven their rulers and preservers came, and thither they return.¹¹

"Scipio's Dream" a confession of faith in the immortality of the soul.

Such is the undertone of that part of the sixth book known as "Scipio's Dream," the clearest, the most confident, the most brilliant confession of faith in the immortality of the soul and of a higher existence in a realm above the stars, where "all is eternal," ever uttered in the ancient world prior to the inspired declarations of St. John and St. Paul. When Scipio addressed his father thus:

Thou best and most venerable of parents, since this, as I am informed by Africanus, is the only substantial life, why do I linger on earth, and not rather wish to come thither where you are?¹²

¹¹ *De Repub.*, vi, 13.

¹² *Ibid.*, vi, 15.

The reply was:

That is impossible. Unless God, whose temple is all that vast expanse you behold, shall free you from the fetters of the body, you can have no admission into this place. Mankind have received their being on this very condition, that they should labor for the preservation of that globe which is situated as you see, in the midst of this temple, and is called earth. . . . It is your duty, therefore, my Publius, and that of all who have any veneration for the gods, to preserve this wonderful union of soul and body; nor without the express command of him who gave you a soul should the least thought be entertained of quitting human life, lest you seem to desert the post assigned to you by God himself. But rather follow the example of your grandfather here, and of me, your father, in paying a strict regard to justice and piety; which is due in a great degree to parents and relations, but most of all to our country.

Canon
against
self-murder.

Such a life as this is the true way to heaven, and to the company of those who, after having lived on earth and escaped from the body, inhabit the place which you now behold.¹³

The true way
to heaven.

And as I continued to observe the earth with great attention, "How long, I pray you," said Africanus, "will your mind be fixed on that object? Why do you not rather take a view of the magnificent temples among which you have arrived? The universe is composed of nine circles, or rather spheres, one of which is the heavenly one and is exterior to all the rest which it embraces; being itself the Supreme God, and bounding and containing the whole."¹⁴

Universe
composed of
nine circles.

When I had recovered myself from the astonishment occasioned by a wonderful prospect, I thus addressed Africanus: "Pray, what is this sound that strikes my ears in so loud and agreeable a manner?" To which he replied: "It is that which is called *the music of the spheres*, being produced by their motion and impulse; and being formed by unequal intervals, but such as are divided according to justest proportion, it produces, by duly tempering acute with grave sounds, various concerts of harmony. . . . By the amazing noise of this sound the ears of mankind have been in some degree deafened; and indeed hearing is the

"The
music of the
spheres."

¹³ *De Repub.*, vi, 15.

¹⁴ *Ibid.*, vi, 17.

dullest of all the human senses. Thus, the people who dwell near the cataracts of the Nile (which are called Catadupa¹⁵) are, by the excessive roar which that river makes in precipitating itself from those lofty mountains, entirely deprived of the sense of hearing. And so inconceivably great is this sound which is produced by the rapid motion of the whole universe, that the human ear is no more capable of receiving it than the eye is able to look steadfastly and directly on the sun, whose beams easily dazzle the strongest sight.¹⁶

The eternal
seat of
splendor.

"If, then, you wish to elevate your views to the contemplation of this eternal seat of splendor, you will not be satisfied with the praises of your fellow-mortals, nor with any human rewards that your exploits can obtain; but Virtue herself must point out to you the true and only object worthy of your pursuit. Leave to others to speak of you as they may, for speak they will. Their discourses will be confined to the narrow limits of the countries you see, nor will their duration be very extensive; for they will perish like those who utter them, and will be no more remembered by posterity. . . . Consider your body only, not yourself, as mortal. For it is not your outward form which constitutes your being, but your mind; not that substance which is palpable to the senses, but your spiritual value.¹⁷ That majestic exposition is followed by the exclamation:

The
immortal
mind of man.

"The
good of your
country."

"Know, then, that you are a God—for a God it must be, which flourishes, and feels, and recollects, and foresees, and governs, regulates, and moves the body over which it is set, as the Supreme Ruler does the world which is subject to him. For as that Eternal Being moves whatever is mortal in this world, so the immortal mind of man moves the frail body with which it is connected.¹⁸ . . . Do you, therefore, exercise this mind of yours in the best pursuits. And the best pursuits are those which consist in promoting the good of your country. Such employments will speed the flight of your mind to this its proper abode; and its flight will be still more rapid, if, even while it is enclosed in the body, it will look abroad, and disengage itself as much as possible from its bodily dwelling, by the contemplation of things

¹⁵ From *καταδυνέω*, as if *Down-roars*.

¹⁶ *De Repub.*, vi, 20.

¹⁷ *Ibid.*, vi, 23.

¹⁸ *Ibid.*, vi, 24.

which are external to itself." Thus saying, he vanished, and I awoke from my dream.¹⁹

It seems to be clear that the *De Republica* was at the outset divided into two books, which were then expanded into nine,²⁰ and finally reduced to six;²¹ and it is fair to infer that the three books thus cut off became the nucleus of the separate treatise, *De Legibus*, intended no doubt as a supplement to the first. In that supplement, probably never completed or published,²² the historical personages disappear, Atticus, Quintus, and Cicero himself taking their places as interlocutors. As the date of the action of the drama, and the date of composition are nearly identical, both are usually assigned to the middle or end of the year 52 B.C. The scene is laid at the author's birthplace, the family home, situated some three miles from the town of Arpinum, on the banks of the river Fibrenus, an affluent of the Liris. As an introduction to the second book we have the following description:

De Legibus,
Scene laid at
Arpinum.

Atticus. Do you feel inclined, since we have had walking enough for the present, and since you must now take up a fresh part of the subject for discussion, to vary our situation? if you do, let us pass over to the island which is surrounded by the Fibrenus—for such, I believe, is the name of the other river—and sit down, while we prosecute the remainder of our discourse.

Marcus. I like your proposal, for that is the very spot which I generally select when I want a place for undisturbed meditation, or uninterrupted reading or writing.

Atticus. In truth, now I am come to this delicious retreat, I cannot see too much of it. Would you believe that the pleasure

¹⁹ *De Repub.*, vi, 26.

²⁰ *Ad Quint. Frat.*, iii, 5.

²¹ *De Leg.*, i, 6; ii, 10; *De Div.*, ii, 1.

²² Everything goes to show that the work known as the *Laws*, never published in Cicero's lifetime, was put forth by his literary executor, Tiro, after his death.

Conversation
on justice
and law.

I find here makes me almost despise the magnificent villas, marble pavements, and sculptured palaces? Who would not smile at the artificial canals which our great folks call their Niles and Euripi, after he had seen these beautiful streams? Therefore, as you just now, in our conversation on justice and law, referred all things to nature, so you seek to preserve her domination even in those things which are constructed to recreate and amuse the mind. I therefore used to wonder before, as I expected nothing better in this neighborhood than hill and rocks (and, indeed, I had been led to form these ideas by your own speeches and verses) — I used to wonder, I say, that you were so exceedingly delighted with this place. But my wonder, on the contrary, is how, when you retire from Rome, you condescend to rusticate in any other spot.

Marcus. But when I can escape for a few days, especially at this season of the year, I usually do come here, on account of the beauty of the scenery and salubrity of the air; but it is but seldom that I have it in my power to do so. There is one reason, however, why I am so fond of this Arpinum, which does not appeal to you.

Atticus. What reason is that?

Cradle spot
of Marcus
and Quintus.

Marcus. Because, to confess the truth, it is the native place of myself and my brother here; for here indeed, descended from a very ancient race, we first saw the day. Here is our altar, here are our ancestors, and here still remain many vestiges of our family. Besides, this villa which you behold in its present form was originally constructed, at considerable expense, under my father's superintendence; for, having very infirm health, he spent the latter years of his life here, engaged in literary pursuits. And on this very place, too, while my grandfather was alive, and while the villa, according to old custom, was but a little one, like that one of Curius in the Sabine district, I myself was born. There is, therefore, an indescribable feeling insensibly pervading my soul and sense which causes me, perhaps, to find a more than usual pleasure in this place. And even the wisest of men, Ulysses, is said to have renounced immortality that he might once more visit his beloved Ithaca.²³

The villa in
his grand-
father's time.

²³ *De Leg.*, ii, 1.

The general plan of the treatise *De Legibus* and its relation to the *De Republica* are thus described:²⁴

Atticus. But, if you ask what I expect, I should reply that, after having given us a treatise on the Commonwealth, it appears a natural consequence that you should also write one on the Laws. For that is what I see was done by your illustrious favorite Plato, the philosopher whom you admire and prefer to all others, and love with an especial affection.

Relation between *De Republica* and *De Legibus* defined.

Marcus. Do you wish, then, that, as he conversed at Crete with Clinias, and Megillus of Lacedaemon, on that summer's day, as he described it, in the cypress groves and sylvan avenues of Cnossus, often objecting to, and at times approving of, the established laws and customs of the commonwealths, and discussed what were the best laws; so we also, walking beneath these lofty poplars, along these green and umbrageous banks, and sometimes sitting down, should investigate the same subjects somewhat more copiously than is required by the practice of courts of law?²⁵

. . . . For, take my word for it, in no kind of discussion can it be more advantageously displayed how much has been bestowed upon man by nature, and how great a capacity for the noblest enterprises is implanted in the mind of man, for the sake of cultivating and perfecting which we were born and sent into the world, and what beautiful association, what natural fellowship, binds men together by reciprocal charities; and when we have planned these grand and universal principles of morals, then the true fountain of laws and rights can be discovered.

How the true foundations of law and right may be discovered.

Atticus. In your opinion, then, it is not in the edict of the magistrate, as the majority of our modern lawyers pretend, nor in the *Twelve Tables*, as the ancients maintained, but in the sublimest doctrines of philosophy, that we must seek for the true source and obligation of jurisprudence.

Philosophy the source.

²⁴ "The entire treatise *De Legibus* — with the political statutes cast in the venerable garb of archaic language — shows the unvarying admiration with which Cicero contemplated the old constitution. Though the orator had suffered much in his own political career and personal fate from *tribuni plebis* like Clodius, he insists (*Leg.*, iii, 23 sq.) that the tribunate is a necessary and wholesome part of the political system, being intended to provide the blind efforts of the masses with visible leadership, and thus with responsibility." — Sihler, *Introd. to Cicero's Second Philippic*, xxvii.

²⁵ *De Leg.*, i, 5.

True nature
of moral
justice.

Marcus. The whole subject of universal law and jurisprudence must be comprehended in this discussion, in order that this which we call civil law may be confined in some small and narrow space of nature. For we shall have to explain the true nature of moral justice, which must be traced back from the nature of man. And laws will have to be considered by which all political states should be governed. And last of all, shall we speak of those laws and customs of nations, which are framed for use and convenience of particular countries (in which case our own people will not be omitted), which are known by the title of civil laws.²⁶

Plato fol-
lowed only
as to exter-
nal forms.

Substance of
the treatise
drawn from
Stoic sources.

In view of the reference made by Atticus to "your illustrious favorite Plato, the philosopher whom you admire and prefer to all others," it is all important to emphasize the fact that while in the composition of the treatise on the *Laws* the author did adopt that philosopher as a model, in all that relates to decoration and external form, he drew upon the Stoics for the whole substance, including definitions, propositions, and arguments, excepting only what is immediately connected with the Roman law. An eminent authority has well said that, with that exception, the entire substance of the treatise "can be traced to the labors of the Stoics, especially to the φυσικάι θέσεις, the περὶ καλοῦ, the περὶ δικαιοσύνης, and above all the περὶ νόμου of Chrysippus; for the few fragments which have been preserved of these tracts are still sufficient to show that not only did Cicero draw his materials from their stores, but in some instances did little more than translate their words. Even in the passages on magistrates the ideas of Plato, Aristotle and Theophrastus are presented with the modifications introduced by Dion (Diogenes?) and Panaetius (*De Leg.* iii, 6).²⁷

²⁶ *De Leg.*, i, 5.

²⁷ Smith, *Dictionary of Greek and Roman Biography and Mythology*, vol. i, p. 730.

Cardinal Newman covered the matter perfectly when he said:

This difference of sentiment between the magistrate and the pleader is strikingly illustrated in the opening of his treatise *De Legibus*; where, after deriving the principles of law from the nature of things, he is obliged to beg quarter of the Academics, whose reasoning he feels could at once destroy the foundation on which his argument rested. "My treatise throughout," he says, "aims at the strengthening of states and the welfare of peoples. I dread therefore to lay down any but well considered and carefully examined principles; I do not say principles which are universally received, for none are such, but principles received by those philosophers who consider virtue to be desirable for its own sake, and nothing whatever to be good, or at least a great good, which is not in its own nature praiseworthy." These philosophers are the Stoics; and then, apparently alluding to the arguments of Carneades against justice, which he had put into the mouth of Philus in the third book of his *De Republica*, he proceeds: "As to the Academy, which puts the whole subject into utter confusion, I mean the New Academy of Arcesilaus and Carneades, let us persuade it to hold its peace. For, if it should make an inroad upon the views which we consider we have so skilfully put into shape, it will make an extreme havoc of them. The Academy I cannot conciliate, and I dare not ignore."²⁸

Cardinal Newman's statement.

Passing from the character of the work as a whole we find its first book devoted to an investigation into the sources of justice and virtue, into a seeking "for the origin of justice at its fountain head." In that way it is ascertained first, that the ultimate source of justice is God; second, that men, being bound together by a community of feelings, faults, and desires, are compelled to cultivate social union, and consequently justice, without which social union cannot exist.

First book seeks "the origin of justice at its fountain head."

There exists, therefore, since nothing is better than reason, and since this is the common property of God and man, a certain

²⁸ *Historical Sketches*, vol. i, pp. 272-273, quoting *De Leg.*, i, 13.

God and men
associated
by law.

Nature the
fountain of
justice.

aboriginal rational intercourse between divine and human natures. But where reason is common, there right reason must also be common to the same parties; and since this right reason is what we call law, God and men must be considered as associated by law. Again, there must also be a communion of right where there is a communion of law. And those who have law and right thus in common, must be considered members of the same commonwealth. And if they are obedient to the same rule and the same authority, they are even much more so to this one celestial regency, this divine mind and omnipotent deity. So that the entire universe may be looked upon as forming one vast commonwealth of gods and men.²⁹ . . . Then you have not much to add, my brother, for the arguments you have already used have sufficiently proved to Atticus, or at all events to me, that nature is the fountain of justice.³⁰

The final deduction is that as God is intimately connected with human nature through reason and virtue, God and man's moral nature are the joint sources of justice.

Second book
devoted to
religious
worship.

The second book is devoted to the consideration of an ideal code, illustrated by constant references to ancient Roman institutions, which treats of hierarchical and ecclesiastical laws, embracing the worship of God, the sacred festivals, ministrations, and ceremonials. Morabin, in his striking preface to *De Legibus*, has said:

Morabin's
striking
comment.

In the second book, which treats of religious worship, he discovered an infinity of facts, which serve to undeceive us on the false ideas which are entertained respecting the religion of the ancients. Cicero proves that they also believed and worshiped one true God, in all his wonderful theophanies and developments, and that the astonishing multiplicity of divinities which they venerated was originally the product of a pious fear, but augmented and often corrupted by the interest of certain parties. The religion, therefore, of the ancient philosophers and sages

²⁹ *De Leg.*, i, 7.

³⁰ *Ibid.*, i, 13.

was only one form of the true theology; and it excites our admiration by showing us how frequently the grand doctrines of revelation are confirmed by the mythology of the heathens. Thus the great chain of divine truth was preserved entire, even in the midst of that confusion of gods, sacrifices, festivals, and religious ceremonials, so generally idle, ridiculous, or profane.

It is said that from Cicero's brilliant panegyric on divine law and universal justice, Hooker drew the famous exordium to his *Ecclesiastical Polity*, specially notable for the declaration:

Source of
Hooker's
famous
exordium.

Of Law no less can be said, than that her seat is the bosom of God, and her voice the harmony of the universe. All things in heaven and earth do her homage, the very least as feeling her care, and the greatest as not exempted from her power. Both angels and men, and creatures of what creation soever, though each in different sort and manner, yet all with uniform consent admiring her as the mother of their common peace and joy.

The third book is devoted to an exposition of the civil laws, and the duties of the civil magistrates by whom they are enforced, attended by a series of legal maxims and short expositions as to the nature and importance of their functions as interpreters and enforcers of the laws. When we consider the manner in which the time is employed and the days distributed by the interlocutors, it is quite possible that the original work was composed in six books, corresponding to those of the *Commonwealth*. The fact that a fragment from the fifth book of the *Laws* is quoted by Macrobius, is certainly evidence that at least two books have been lost.³¹

Third book
devoted to
an exposition
of civil laws.

When due weight is given to the motive that inspired

³¹ The title *De Legibus* rests on the authority of nearly all the MSS. The title *De Jure Civili et Legibus*, which occurs in one only, grew, no doubt, out of the desire to include the supposed contents of the later books. Cf. *De Leg.*, iii, 5; *Gell.*, i, 22.

De Officiis, the conclusion of an appeal first made in *De Republica*.

the production of the treatise entitled *De Officiis*, it must be regarded as the conclusion of an appeal for the regeneration of the Roman Republic first made in the *De Republica* and its supplement, *De Legibus*. Eight years had passed by since the composition of the last named; the tragedy of the ides of March was over; Cicero, weary and disillusioned, had written the Second Philippic but had not published it, when, in his lonely villa at Puteoli —

. . . . amid the November winds and snow, he worked anxiously at the task of constructing an ideal republic on paper. He had now finished the first two books and was proceeding with the third of his treatise upon duty, which, after some hesitation, he had entitled, *De Officiis*. . . .

It must be constantly remembered that this book was written during the autumn of 44 B.C., under the stress of the reaction caused by the bitterness of the Civil War, by the moving tragedy of the ides of March, and by the apprehension of coming disaster; the reader who does not know the history of that terrible year, and of the daily life of Cicero during those months, will erroneously regard as one of many other mediocre philosophical treatises this most important document for the political and social life of Rome.

Social and political degeneration.

An effort to conciliate imperialism with liberty.

Like all deep thinkers in Rome after the Second Punic War, Cicero had been profoundly struck by the pitiable contradiction which he saw before him; while gaining in knowledge Italy also increased in corruption, wealth made her still more insatiable, her birth-rate declined as men were needed, she provoked war and lost her military capacity, extended her power over other peoples, and bartered away her own freedom. He therefore proposed to make one more search, as his predecessors had done, for the hidden means of conciliating imperialism with liberty, progress with prosperity, luxury and wealth with social and political discipline, and intellectual culture with morality; he resumed the consideration of a problem already examined in the *De Republica*, but on this occasion from the moral and social rather than from the political point of view.³²

³² Ferrero, *Greatness and Decline of Rome*, vol. iii, pp. 108-109.

The fact should never be lost sight of that the separation of the sciences, to which we are so accustomed, and which we take for granted, was unknown to that antiquity in which the world with all its phenomena was studied as a whole. Not until that single problem, in which the facts of nature and the doings of men were alike conceived of as ordered by the gods, was gradually broken up into minor problems was the line drawn between those sciences which deal with external nature, including theology and metaphysics, and those which deal with the actions of men.³³

Separation of
the sciences.

If we follow the Greeks, we must regard ethics as dealing essentially with man in his relations to his fellow-men—politics as dealing essentially with man not simply as a member of society, but as a member of some particular society organized in a particular way, and exercising supreme authority over its members. The fundamental maxim of Aristotle, the founder of the science of politics, is that man is born to be a citizen—

Aristotle
the founder
of political
science.

Ἵν ἄνθρωπος φύσει πολιτικὸν ζῶον.

He cannot isolate himself without becoming either less or more than man (ἡ θηρίον ἢ θεός). The cityless man (ἄπολις)—the natural man of Hobbes and Rousseau—must be more or less than man; either superhuman or monster. The assumption is that the state is a prime necessity to man; the state is prior in idea to the individual; the normal conception of man is of a man in a state of civilization. On those grounds Aristotle went on from his *Ethics* to the composition of his *Politics*. He made the capital advance of separating ethics from politics.³⁴ And yet despite that advance, Cicero, in the three

Cicero
ignored his
separation of
ethics from
politics.

³³ Cf. Holland, *Jurisprudence*, p. 17, 10th ed.

³⁴ Cf. the author's *Science of Jurisprudence*, p. 4.

connected compositions in question, acting rather as a statesman than as a philosopher, employed Stoic ethics, considered as an applied moral science, as a driving power in Roman politics. Morabin was right when he said:

Cicero was not merely an orator and philosopher; he was also a statesman. Being perfectly acquainted with the interests of the Roman government, and conversant with all branches of natural, national, and civil law, he added to the grand speculations of jurisprudence a practical intimacy with public affairs, in which he was deeply engaged during the most critical periods.

Zeno caught the practical spirit of the age.

Zeno, the founder of Stoicism, had caught the practical spirit of his age, the desire for a popular philosophy which would impel men to live not simply for themselves, but for the common good, for society, for the state—in a word, a philosophy that would tend to make earnest and patriotic citizens. It was the Stoic reformer Panaetius, whose coming to Rome has been heretofore described, who gave a fresh impetus to the subject of right living through his work *Upon External Duty*.

Panaetius the founder of Roman Stoicism.

Panaetius may well be regarded as the founder of Roman Stoicism, and is of special interest to us as the writer of the treatise (περὶ καθήκοντος) which Cicero has freely translated in his *De Officiis*. He sets before us Stoicism as the school which will train the scholar, the gentleman, and the statesman. . . . In his treatises the figure of the wise man is withdrawn to the background; he is practically concerned only with the "probationer" (ὁ προκόπτων), who is making some advance in the direction of wisdom. This advance is not made by acts of perfect virtue, but by regular performance of "services" (καθήκοντα, officia), the simple and daily duties which come in the way of the good citizen.³⁵

³⁵ Arnold, *Roman Stoicism*, pp. 101-102. "Quod summum bonum a Stoicis dicitur, id habet hanc, ut opinor, sententiam, cum virtute congruere semper, cetera autem, quae secundum naturam essent, ita legere, si ea virtuti non repugnarent." — *De Off.*, iii, 3.

Cicero's primary purpose in the composition of the *De Officiis* was to construct out of Stoics ethics, as taught by Panaetius and others of his school, a manual of political morality in which moral obligations should be considered in reference to the practical business of the world as involved in the actual intercourse of social and political life. He addressed the work to his son Marcus, and through him to all young Romans of his son's age and rank. In that way he hoped to regenerate the Republic by infusing a new and higher life into the new citizens who were soon to compose it. He sounded the keynote of the entire appeal when, in "Scipio's Dream," he promised the dutiful, patriotic citizen fame in this world, and eternal rest and glory in a life to come. "And the best pursuits," he said, "are those which consist in promoting the good of your country. Such employments will speed the flight of your mind to this its proper abode."

Cicero's effort to construct out of Stoic ethics a code of practical morality.

There is no question as to the fact that in the composition of the first two books of the *De Officiis*, the author took the *περὶ καθήκοντος* of Panaetius as his guide; in fact it is through Cicero that we know clearly what the doctrines of Panaetius really were. He borrowed also from Antipater of Tyre, Diogenes of Babylon, Hecato, Posidonius, Diodotus, and others enumerated in the commentary of Beier and the tract of Lynden on Panaetius.³⁶

Took Panaetius as his guide.

We have little reason to regret that only fragments at most remain of the works of these philosophers, since Cicero presents to us a comprehensive view not only of the doctrines they profess, but also of the criticisms which their opponents passed upon them, and again of the replies they made to these criticisms. In carrying out this work for Stoicism and its rival systems, Cicero not only created the philosophic terminology of the future by trans-

³⁶ *P. et Hecatonis librorum frag.*, coll. H. N. Fowler, 1855; *Disputatio hist. de P. Rhodio*. F. van Lynden, Leyden, 1802.

lations of technical terms from Greek into Latin, but also established a new style of philosophic discussion.³⁷

An interesting sidelight.

We have an interesting sidelight in the letter written to Atticus from Puteoli, November 5, 44 B.C., in which Cicero says:

Athenodorus Calvus.

Now for your later letter. The *De Officiis*—as far as Panaetius goes—I have completed in two books. His treatise is in three. But at the beginning he had defined the cases in which duty has to be determined to be three: one when we deliberate as to whether a thing is right or wrong; another whether it is expedient or inexpedient; and a third when there seems to be a contest between the right and the expedient, on what principle we are to decide—as, for instance, in the case of Regulus, it was right to return, expedient to stay. Well, having begun by defining these three categories, he discussed the first two in brilliant style; on the third he promised an essay in due course, but never wrote it. That topic was taken up by Posidonius. I, however, both sent for the latter's book, and also wrote to Athenodorus Calvus to send me an analysis of it. I am now waiting for this, and I should be obliged if you would give him a reminder and ask him to send it as soon as possible. In that treatise there are remarks upon "relative duty." As to your question about the title, I have no doubt about *officium* representing *καθήκον*—unless you have something else to suggest—but the fuller title is *De Officiis*. Finally, I address it to my son. It seemed to me to be not inappropriate.³⁸

First book a threefold division of the subject.

After a preface of a personal character directed to Marcus the younger, the first book opens with this threefold division of the subject:

In the opinion, therefore, of Panaetius, there is a threefold consideration for determining our resolution; for men doubt whether the thing which falls under their consideration be of itself virtuous, or disgraceful, and in this deliberation minds are often distracted into opposite sentiments. They then examine and

³⁷ Arnold, *Roman Stoicism*, p. 108.

³⁸ *Ad Att.*, xvi, 11.

deliberate whether or not the subject of their consideration conduces to the convenience or enjoyment of life, to the improvement of their estate and wealth, to their interest and power, by which they may profit themselves or their relations; all which deliberation falls under the category of utility. The third kind of doubtful deliberation is, when an apparent utility seems to clash with moral rectitude; for when utility hurries us to itself, and virtue, on the other hand, seems to call us back, it happens that the mind is distracted in the choice, and these occasion a double anxiety in deliberation. In this division (although an omission is of the worst consequence in divisions of this kind), two things are omitted; for we are accustomed to deliberate not only whether a thing be virtuous or shameful in itself, but, of two things that are virtuous, which is the more excellent? And, in like manner, of two things which are profitable, which is the more profitable?³⁹

Thus the admonition is given that when we are called upon to perform any action we must ask, first, whether it is good in itself (*honestum*), absolutely and abstractly good; second, whether it is good (*utile*), when considered with reference to external objects; third, what course we must pursue when there is a conflict between the *honestum* and the *utile*—each admitting of degrees that must be examined in order to enable us to make choice of the highest. With his general scheme thus defined, the author proceeds to dissolve the *honestum* into its four constitutional elements: 1. The power of discerning the truth (*sapientia*); 2. The capacity to guarantee justice and benevolence to all around us, and to keep contracts inviolate (*justicia (et) beneficentia*); 3. Greatness and strength of mind (*fortitudo*); 4. The power to do and say everything at the proper time, in the proper place, and in the proper way (*temperantia*). After an exposition has been made of each of the four subdivisions, the

Is an action absolutely good (*honestum*) or relatively so (*utile*)?

³⁹ *De Off.*, i, 3.

book concludes with the declaration "that in the choice of our duties, we are to prefer that kind of duty which contributes to the good of society," viz., the good of the state—the one practical object of all of Cicero's philosophy.

Second book devoted to the *utile*.

In opening the second book, devoted to a consideration of the *utile*, the author says:

I think I have in the former book sufficiently explained in what manner our duties are derived from morality, and every kind of virtue. It now remains to treat of those kinds of duties that relate to the improvement of life, and to the acquirement of those means which men employ for the attainment of wealth and distinction. In this inquiry, as I have already observed, I will treat of what is useful, and what is not so. Of several utilities, I shall speak of that which is more useful or most so.⁴⁰

At the close he says:

Now, in these precepts about things profitable, Antipater, the Tyrian, a Stoic who lately died at Athens, considers that two things are passed over by Panaetius—the care of health and of property—which matters I fancy were passed over by the very eminent philosopher because they were obvious; they certainly are useful.⁴¹

His last words are these:

But the comparison of external objects is thus, that glory should be preferred to wealth, a city income to a country one. Of which kind of comparison is that reply of Cato the elder, of whom, when inquiry was made, what was the best policy in the management of one's property, he answered, "Good grazing." "What was next?" "Tolerable grazing." "What third?" "Bad grazing." "What fourth?" "Tilling." And when he who had interrogated him inquired, "What do you think of lending at usury?" Then Cato answered, "What do you think of murder?"⁴²

Third book, no real conflict between *honestum* and *utile*.

After declaring in the third book that Panaetius had covered the subject-matter of the first two—"and whom

⁴⁰ *De Off.*, ii, 1.

⁴¹ *Ibid.*, ii, 24.

⁴² *Ibid.*, ii, 25.

I, making some correction, have principally followed" — the author calls attention to the fact that his Stoic master had neglected to discuss a third grand division of the subject which he states thus: "When that which had the appearance of virtue was in opposition to that which seemed useful, how this ought to be determined." He answers by demonstrating that there can never be any real conflict between the *honestum* and the *utile*, because, when an action is considered from the proper point of view, it will always be found that they are inseparable from each other. Among the difficult cases stated as tests of the application of the rules laid down, great emphasis is given to that of Regulus, which is dismissed with this observation:

But out of all this laudable conduct of Regulus, this alone is worthy of admiration, that he was of opinion that the prisoners ought to be retained. For that he returned seems wonderful to us now, though at that time he could not do otherwise. Therefore, that was not the merit of the man, but of the times.⁴³

Case of
Regulus.

Who can read the famous trilogy composed of the *De Republica*, the *De Legibus* and the *De Officiis*, and fail to see in it, when taken as a connected whole, a most deliberate and persistent effort upon the part of Cicero to employ Stoic ethics as an applied moral science, as the best and only means of regenerating Roman social and political life?

The famous
trilogy as a
regenerating
influence.

⁴³ *De Off.*, iii, 31.

CHAPTER XIII

TREATISES ON PHILOSOPHY AND THEOLOGY

The
Academica,
two editions.

Second
dedicated
to Varro.

IN THE forefront of Cicero's dissertations on speculative philosophy stands his treatise on the *Theory of Human Understanding*, whose proper title is the *Academica*, of which there were two editions, the Verronian in four books, and the pre-Verronian in two books, both of which were put in circulation. A part of each has been preserved. In addition to a fragment containing twelve chapters of the first book of the second or Verronian edition, we have the entire second book of the first edition in forty-nine chapters, to which is prefixed the new introduction in praise of Lucullus, together with his proper title.¹ The second and greatly improved edition was dedicated to Varro, to whom Cicero wrote about July 12, 45 B.C., saying:

I could not refrain from making manifest by such literary composition as I was capable of producing the union of our tastes and affections. I have therefore composed a dialogue purporting to be held between us in my villa at Cumae, Pomponius being there also. I have assigned to you the doctrines of Antiochus, which I thought I understood to have your approval; I have taken those of Philo for myself. I imagine that when you read it you will be surprised at our holding a conversation, which we never did hold; but you know the usual method of dialogues.²

¹ *Ad Att.*, xiii, 32. In that letter he says: "'Catulus' and 'Lucullus' [the first and second books of the *Academica*] I think you have already. To these books a new preface has been added, in which both of them are spoken of with commendation. I wish you to have these compositions, and there are some others. *You did not quite understand what I said to you about the ten legates, I suppose, BECAUSE I WROTE IN SHORTHAND.*"

² *Ad Fam.*, ix, 6.

In that way the author undertook to unfold the origin and growth of the Academic philosophy, with the various modifications introduced by the successive expounders, with the purpose of demonstrating the superiority of the principles of the New Academy, as represented by Philo, over those of the Old Academy, as represented by Antiochus of Ascalon. The ultimate object in view was the discovery of the best method of ascertaining the truth and the assignment of that task to the several organs of perception.

Superiority
of New
Academy
to Old.

Let us begin then with the senses—the judgments of which are so clear and certain, that if an option were given to our nature, and if some god were to ask of it whether it is content with its own unimpaired and uncorrupted senses, or whether it desires something better, I do not see what more it could ask for. . . . But when practice and skill are added, so that one's eyes are charmed by a picture, and one's ears by songs, who is there who can fail to see what great power there is in the senses? How many things do painters see in shadows and in projections which we do not see? How many beauties which escape us in music are perceived by those who are practiced in that kind of accomplishment? Men who, at the first note of the flute player, say: That is the Antiope, or the Andromache, when we have not even a suspicion of it.³

The senses.

It would be hard, indeed, to withhold here this charming bit of information as to Cicero's method of doing things, contained in a letter to Atticus of July 12:

But pray, why in the world are you in such a fright at my bidding you to send the books to Varro at your own risk? Even at this eleventh hour, if you have any doubt, let me know. Nothing can be more finished than they are. . . . After all, I do not despair of the book securing Varro's approval, and I am not sorry that my plan should be persisted in, as I have gone to some

Academica
copied on
long paper
and sent to
Varro at risk
of Atticus.

³ *Acad.*, ii, 7.

Too complicated for shorthand.

expense in long paper;⁴ but I say again and again, it shall be done at your risk. Wherefore, if you have any hesitation, let us change to Brutus, for he too is an adherent of Antiochus. What an excellent likeness of the Academy itself, with its instability, its shifting views, now this way, now that! But, please tell me, did you really like my letter to Varro? May I be hanged if I ever undertake another task quite as hard as this one! *Consequently I did not dictate it even to Tiro, who usually takes down whole periods at a breath,*⁵ but syllable by syllable to Spintharus.⁶

Hortensius, or De Philosophia.

Plato's *Timaus*.

Just in advance of the *Academica* was composed and published the dialogue in praise of philosophy known as *Hortensius*, or *De Philosophia*, a considerable number of unimportant fragments of which have been preserved by St. Augustine, who bears brilliant testimony to its worth in his *Confessions* (3, 4, 7);⁷ and, after the completion of the *Academica*, as we learn from the introduction, was executed a translation of Plato's *Timaus*, a considerable fragment of which has survived.

De Finibus Bonorum et Malorum.

Closely connected with the *Academica*, both as to time and subject, is the series of dialogues dedicated to Brutus, known as *De Finibus Bonorum et Malorum*, in which the views of the Greek schools, specially those of the Stoics, Peripatetics and Epicurean, are discussed and compared so far as they involve the great object or end (*finis*) to which all of our thoughts, desires, and actions should be directed—the Supreme Good considered as the essence of practical wisdom. In a letter to Atticus in June, 45 B.C., the author says:

⁴ *Macrocolla*, μακρόκολλα, was a specially large and expensive kind either of paper or parchment. For a second reference to it, see *Ad Att.*, xvi, 3. Pliny (*N. H.*, xiii, 80) says it was a cubit in breadth.

⁵ In *shorthand*, of course. The *Academica* was too difficult for that process. It had to be taken down in *longhand*, "syllable by syllable."

⁶ *Ad Att.*, xiii, 25.

⁷ Dissert. by Otto Plasberg, Leipzig, 1892.

What I have lately written is in the manner of Aristotle, where the conversation is so managed that he himself has the principal part. I have finished the five books of *De Finibus Bonorum et Malorum* so as to give the Epicurean doctrine to Lucius Torquatus, the Stoic to Marcus Cato, and the Peripatetic to Marcus Piso. For I consider that their being dead would preclude all jealousy. This new work *Academica*, as you know, I had divided between Catulus, Lucullus and Hortensius.⁸

In the manner of Aristotle.

It is quite probable that the formal presentation of the *De Finibus* to Brutus took place about the middle of August when he visited Cicero at his Tusculanum.⁹ No attempt is made to maintain the unity of scene or character throughout the five books; the conversations discussing ideals of correct conduct, the highest good, are not supposed to have taken place between the same parties, at the same times, or at the same places. The first book, an apology for the study of philosophy, is devoted to an attack upon the doctrines of the Epicurean school, which drew from Torquatus an extended statement of the sentiments really entertained by Epicurus and the most notable of his followers respecting *ἡδονή*, in reference to which he said there had been much misunderstanding and misrepresentation which he proposed to remove. In the second book Cicero himself controverts the entire scheme of Epicurean morality, defining pleasure and denying to it the title of the Supreme Good, setting forth at the same time the chief arguments with which the Stoics assail the whole system. In the third book the scene is laid in the library of the young Lucullus in his villa at Tusculum where Cicero had met accidentally Cato (of Utica). Passing from the consideration of the scrolls by which they were surrounded, they proceed to discuss the difference between the ethics of the Stoics and those of the Old

Dedicated to Brutus.

First book an apology for the study of philosophy.

Second, an attack on the Epicureans.

Third, a discussion on ethics.

⁸ *Ad Att.*, xiii, 19.

⁹ *Ibid.*, xiii, 44.

Academy and the Peripatetics, Cicero contending that the differences were purely verbal and not real, and that Zeno did wrong in abandoning Plato and Aristotle in order to set up a new school. In reply Cato asserted that the differences were not verbal, but real, and that the tenets held by the Stoics as to the Supreme Good presented purer and higher ideals than any ever entertained before. As spokesman of the Stoic school Cato said in substance:

Cato speaks
for the Stoics.

The good and the moral are convertible terms. Evil and the base are convertible terms. Utility has no place in the determination of the good. The good is not liable to argumentation, it is not subject to relativity or degrees, it is absolute (34). Passions are really diseases of the soul. The morally good must not merely be contemplated in an academic way: no, it must be actively sought. All material things are ineffably inferior to the splendor and the absolute glory of the Stoic Good, as the gleam of the lantern compares with the sun, or a drop of honey dissolved in the Aegean Sea. All sins are equal. All forms of righteousness are equal.¹⁰

Expresses
himself as
to suicide.

It was in the course of this discussion that Cicero prompts Cato, who had recently died by his own hand, to express himself as to suicide. The essence of the response was that the propriety of the act must always depend upon the special condition of the individual:

Therefore the question of remaining in life, or of departing from it, is to be measured by all those circumstances which I have mentioned above; for death is not to be sought for by those men who are retained in life by virtue, nor by those who are destitute of virtue. But it is often the duty of a wise man to depart from life, when he is thoroughly happy, if it is in his power to do so opportunely; and that is living in a manner suitable to nature, for this maxim is that living happily depends upon opportunity. Therefore a rule is laid down by wisdom, that if it be necessary a wise man is even to leave her himself.¹¹

¹⁰ Cf. Sihler, p. 376, for that beautiful restatement.

¹¹ *De Fin.*, iii, 18.

In the fourth book Cicero himself replies to Cato by restating the principal arguments with which the philosophers of the New Academy answer the Stoics in such a way as to confine his two criticisms to certain specific points. He makes it clear that he cannot fully adopt certain of their tenets which he enumerates. Then after stating the more notable of the Stoic axioms he concludes by saying: that "you are either assuming propositions which are not admitted, or else such as, even if granted, will do you no good".

Fourth, Cicero's reply for the New Academy.

In the fifth book we are taken back to the Academy at Athens as it appeared to Cicero in 79-78 B.C., when, during his eastern tour, he was there under Antiochus and Demetrius. He and his brother Quintus, his cousin Lucius, Atticus, and Piso are supposed to meet in the Academy where the last named, at the request of his companions, explains the precepts of Aristotle and his school as to the *Summum Bonum*. After Cicero had replied by stating the objections of the Stoics to the Peripatetic System, without pronouncing any judgment of his own as to the relative contentions of the warring sects, Piso rejoined, saying:

Fifth, the Academy at Athens, 79-78 B.C.

Aristotle.

Do you not grant even this to the Peripatetics, that they may say that the life of all good—that is, of all wise men, and of men adorned with every virtue—has in all its parts more good than evil? Who says this? The Stoics may say so. By no means. But do not those very men who measure everything by pleasure and pain, say loudly that the wise man has always more things which he likes than dislikes?¹²

Piso's rejoinder for Peripatetics.

After we have weighed the accurate and impartial expositions of the doctrines of the different schools as stated herein in a highly polished and perspicuous style, remem-

¹² *De Fin.*, v, 31.

bering how abstruse and subtle many of the points involved really are, it is hard to differ with those critics who contend that while this treatise is perhaps the most difficult, it is at the same time the most perfect, the most finished of all of the author's philosophical dissertations.

*Tusculan
Disputations.*

From the *De Finibus*, involving the ultimate foundations of ethics, the transition is easy to the incidental questions concerning ethics discussed in the *Tusculan Disputations* (*Tusculanae Disputationes*), begun, no doubt, soon after the completion of the *Academica* and *De Finibus* in the year 45 B.C., and concluded before the ides of March, 44 B.C. On May 18, of that year, in replying to Atticus' commendation of the first book, the author says: "I am rejoiced that you find the first book of my *Tusculan Disputations* arms you against the fear of death; there is, in fact, no other refuge either better or more available."¹³

"If a man
die, shall he
live again?"

Close as Cicero now was to the shores of the other country, he was devoting the best energies of his mind and soul to the question of questions to which the centuries had given no answer: "If a man die, shall he live again?" He had recently grappled in earnest with that question, when, after the death of his beloved Tullia in midwinter of the year 45 B.C., he fled to Astura by the Sea, where he had "his dark hour unseen" in "a dense and wild wood," in which for a time he lived apart and alone. The outcome of his meditations was the *Consolatio, seu de Luctu minuendo*¹⁴ (*Consolation, or on the Lessening of Grief*), a few inconsiderable fragments of which have been preserved, chiefly by Lactantius, in which we find a touching reëcho in a new form of the beliefs and aspira-

*The
Consolatio.*

¹³ *Ad Att.*, xv, 2.

¹⁴ *Ibid.*, xii, 20.

tions to which he had given such tender and earnest expression in "Scipio's Dream."

As Cicero's last words on the subject we have the *Tusculan Disputations* which contain, in five books, the fruits of as many conferences held with certain friends at his Tusculan villa in reference to five subjects which he thus restates, a little later in the year, in the *De Divinatione*:

In five other books of *Tusculan Disputations*, I have expressed what most conduces to render life happy. In the first, I treat of the contempt of death; in the second, of the endurance of pain and sorrow; in the third, of the mitigation of sorrow; in the fourth, of the other perturbations of the mind; and in the fifth, I elaborate that most glorious of all philosophic doctrines—the all-sufficiency of virtue, which can secure our perpetual bliss without extraneous aids and appliances.¹⁵

Five great subjects.

In advocating, in the first book, a contempt of death, the contention is that it cannot be considered an evil to either the living or the dead, no matter whether the soul be mortal or immortal. The investigation into the real nature of death thus made necessary led to a review of philosophic opinion as to the soul, the contentions in favor of immortality being drawn in the main from the Stoics and from the *Phaedo*, or the *Phaedrus* of Plato. In referring to the *Consolatio*, of which the *Disputations* are really only a sequel, the author says:

First book, on the contempt of death.

As this is my opinion, I have explained it in these very few words, in my book on *Consolation*. The origin of the soul of man is not to be upon earth for there is nothing in the soul of a mixed or concrete nature, or that has any appearance of being formed or made out of the earth; nothing even humid, or airy, or fiery. For what is there in natures of that kind which has the power of memory, understanding, or thought? which can recol-

Stoic and Platonic influences.

¹⁵ *De Div.*, ii, 1.

Nature
of the soul.

It must be
eternal.

Second book,
on the bearing
of pain.

Third book,
on the mitigation
of sorrow.

lect the past, foresee the future, and comprehend the present? For these capabilities are confined to divine beings; nor can we discover any source from which man could derive them, but from God. There is, therefore, a peculiar nature and power in the soul, distinct from those natures which are known and familiar to us. Whatever, then, that is which thinks, and which has understanding, and volition, and a principle of life, is heavenly and divine, and on that account must necessarily be eternal; nor can God himself, who is known to us, be conceived to be anything else except a soul free and unembarrassed, distinct from all mental concretion, acquainted with everything and giving motion to everything and itself endowed with perpetual motion.¹⁶

In the second book, devoted to the bearing of pain, the contention of Aristippus and Epicurus that it is the greatest of all evils, is combated after the manner of Zeno, Aristo, and Pyrrho, who claimed that it was not an evil at all:

Even as in a battle, the dastardly and timorous soldier throws away his shield on the first appearance of an enemy, and runs as fast as he can, and on that account loses his life sometimes, though he has never received even one wound, when he who stands his ground has nothing of the sort happen to him; so, they who cannot bear the appearance of pain throw themselves away, and give themselves up to affliction and dismay, but they that oppose it often come off more than a match for it.¹⁷

In the third book, devoted to the mitigation of sorrow, the tenets of the Epicureans, of the Peripatetics, of the Cyrenaics, and of Crantor are all found wanting when weighed in the balance against those of the Stoics:

But how various, and how bitter, are the roots of grief! Whatever they are, I propose, after having felled the trunk, to destroy them all; even if it should be necessary, by allotting a separate dissertation to each, for I have leisure enough to do so, whatever

¹⁶ *Tusc. Disp.*, i, 27.

¹⁷ *Ibid.*, ii, 28.

time it may take up. But the principle of every anxiety is the same, though they may appear under different names. For envy is uneasiness; so are emulation, detraction, anguish, sorrow, sadness, tribulation, lamentation, vexation, grief, trouble, affliction, and despair. The Stoics define all those different feelings, and all those words which I have mentioned belong to different things, and do not as they seem, express the same ideas, but they are to a certain extent distinct, as I shall make appear perhaps in another place. These are those fibres of the roots, which, as I said at first, must be tracked back and cut off, and destroyed, so that not one shall remain.¹⁸

Continuing that theme in the fourth book, relating to other perturbations of the mind, the author undertakes to demonstrate that a really wise man is absolutely exempt from all such perturbations (*animi perturbatione*). Turning again to the Stoics, especially to Zeno and Chrysippus, for definitions, he quotes the former (6) as saying that "a perturbation" (which he calls a *πάθος*) is a commotion of the mind repugnant to reason, and against nature. It is therefore a disease (38) which must be cured by philosophy:

Fourth, wise man free from perturbations.

We must either deny that reason can effect anything, while, on the other hand, nothing can be done right without reason; or else, since philosophy depends on the deductions of reason, we must seek from her, if we would be good or happy, every help and assistance for living well and happily.

The fifth book, after propounding the question whether virtue alone is sufficient to insure a happy life, answers it in the affirmative, thus accepting in its fullness that great moral dogma of the Stoics rather than the more guarded tenets of the Academics and Peripatetics:

Fifth, virtue sufficient to insure a happy life.

These then are the opinions, as I think, that are held and defended: the first four are simple ones; "that nothing is good

¹⁸ *Tusc. Disp.*, iii, 34.

but what is honest," according to the Stoics: "nothing good but pleasure," as Epicurus maintains: "nothing good but freedom from pain," as Hieronymus asserts: "nothing good but the enjoyment of the principal, or all, or the greatest goods of nature," as Carneades maintained against the Stoics—these are all simple, the others are mixed propositions.

Now let us see what weight these men have in them, excepting the Stoics, whose opinion I think I have sufficiently defended. . . . For even as trading is said to be lucrative, and farming advantageous, not because the one never meets with any loss, nor the other with any damage from the inclemency of the weather, but because they succeed in general, so life may properly be called happy, not from its being entirely made up of good things, but because it abounds with these to a great and considerable degree. By this way of reasoning, then, a happy life may attend virtue even to the moment of execution.¹⁹

When the continuous and persistent argument which runs through the five books, each complete in itself and independent of the rest, is viewed as a connected whole, it is impossible not to see that each part contributes its quota to the ultimate conclusion that every man, if he is wise, possesses within himself the power to create and preserve his own happiness. But when the Stoics said that a man must live according to nature, they did not mean that he must obey his own particular nature; they meant that he must make his life conformable to the nature of the whole of things. Such was the basis of their ethical system in which morality was closely united with philosophy. The truly wise man was supposed to possess all knowledge; in that way he was perfect and sufficient in himself, despising all that subjected to its power the rest of mankind. Such a man might feel pain, but is not subdued by it.

Reference should here be made to the monograph

¹⁹ *Tusc. Disp.*, v, 30-31.

Every man
can create
and preserve
his own
happiness.

upon the six favorite Paradoxes of the Stoics (*Paradoxa Stoicorum*), a *jeu d'esprit* constructed as a medium of covert attacks upon Hortensius, Crassus, and Lucullus, and of bitter denunciations against Clodius. The fourth paradox contains conclusive evidence that it was composed before the death of Clodius (52 B.C.); the sixth that it was composed prior to the death of Crassus (53 B.C.). The preface addressed to Brutus must have been composed early in 46 B.C., as Cato is spoken of as still among the living. There is also a statement that the *De Claris Oratoribus* was already published. This *parvum opusculum*, which was evidently some time in the making, is thus described by its author in his address to Marcus Brutus:

I have, for amusement, digested into commonplaces those topics which the Stoics scarcely prove in their retirement and in their schools. Such topics are termed, even by themselves, paradoxes, because they are remarkable, and contrary to the opinion of all men.

Described
by its author.

After stating the first, that the moral good is the only good, the author adds:

The moral
the only good.

Can any bad man enjoy a good thing? Or is it possible for a man not to be good, when he lives in the very abundance of good things?

The second, which asserts that a man who is virtuous is destitute of no requisite of a happy life, is followed by the statement that—

The virtuous
destitute of
nothing.

. . . . we have seen Caius Marius; he, in my opinion, was in prosperity one of the happiest, and in adversity one of the greatest of men, than which man can have no happier lot.

The third, which asserts that good and evil admit of no degrees, that all misdeeds are in themselves equal and

Good and
evil admit of
no degrees.

all good actions equally meritorious, is followed by the statement that it matters not whether —

. . . . a pilot oversets a ship laden with gold or one laden with straw; in value there is some difference, but in the ignorance of the pilot there is none.

Every fool
a madman.

The fourth, which asserts that every fool is a madman, is followed by this fling at Clodius:

You have perpetrated a massacre in the Forum, and occupied the temples with bands of armed ruffians; you have set on fire the temples of the gods and the houses of private citizens. If you are a citizen, in what sense was Spartacus an enemy? Can you be a citizen, through whom, for a time, the state had no existence? And do you apply to me your own designation, when all mankind thought on my departure Rome herself was gone into exile? Thou most frantic of all madmen, will thou never look around thee?

Every fool
a slave.

The fifth, which asserts that every fool is a slave, the wise man alone is free, is followed by the statement that no one can exercise control over others —

. . . . who cannot command his own passions. Let him in the first place bridle his lusts, let him despise pleasures, let him subdue anger, let him get the better of avarice, let him expunge the other stains on his character, and then when he himself is no longer in subjection to disgrace and degradation, let him then, I say, begin to command others.

Only the wise
man is rich.

The sixth, which asserts that the wise man alone is rich, is followed by the statement that —

. . . . the amount of wealth is not defined by the valuation of the census, but by habit and mode of life; not to be greedy is wealth, not to be extravagant is revenue. Above all things, to be content with what we possess is the greatest and most secure of riches. If therefore they who are the most skillful valuers of property highly estimate fields and certain sites, because such estates are the least liable to injury, how much more valuable is

virtue, which never can be wrested, never can be filched from us, which cannot be lost by fire or by shipwreck.

The most charming, perhaps, of all Cicero's essays on the philosophy of morals, by reason of its purity of language, its vividness of illustration, its majesty of tone, is his dissertation on old age (*Cato Major*, *De Senectute*), *De Senectute*. framed at the end of 45 B.C. or at the commencement of 44 B.C. We first hear of it in a letter written from Puteoli, on May 11 of the year last named, by Cicero (then sixty-two) to Atticus (then sixty-six) in which the writer states:

I must read over again and again my *Cato Major*, which is dedicated to you. For old age is spoiling my temper. Everything puts me in a rage. But for me life is over. The rising generation must look to it. Take care of my affairs as you always do.²⁰

There is a touch of pathetic humor in the contrast between the facts as stated in the letter to his other self and the theories as to the happy conditions attending old age which the essay in question describes. It appears from the brief introductory dialogue that Scipio Aemilianus and Laelius paid a visit during the consulship of Flaminius and Balbus (150 B.C.), to Cato the censor, then eighty-four years old, a rigid Stoic who was endowed with wonderful activity of body and freshness of mind. The possessor of such unusual blessings when called upon by Laelius and Scipio, both "hopeful of becoming old men," to explain "by what methods we may most easily be able to bear the increasing burden of old age," cheerfully complied by pronouncing a discourse in which he undertook to state and refute the four principal complaints

Pathetic
contrast be-
tween facts
and theory.

²⁰ *Ad Att.*, xiv, 21.

Cato's attempt to argue away the miseries of old age.

generally urged as to the miseries that beset the close of a long life. Cato says that old age is generally considered a burden; first because it is supposed to incapacitate a man for active business; second, because of the diminishing vigor of the body; third, because of the diminishing capacity for pleasure; fourth, because it comes like the herald with the inverted torch, to announce the near approach of death. The first three propositions are outflanked by the only maneuver possible, the citation of particular cases of highly favored individuals who were able to make themselves exceptions to the general rule, either by retaining their capacities for an unusual length of time, or by being quite indifferent to the loss of them.

Case of Maximus.

I, as a young man [says Cato] was as fond of Quintus Maximus, who recovered Tarentum when an old one, as if he had been of my own age. . . . He both carried on campaigns like a young man when he was quite old, and by his temper cooled Hannibal when impetuous from the fire of youth. . . . We must make a stand, Scipio and Laelius, against old age, and its faults must be atoned for by activity; we must fight, as it were, against disease and in like manner against old age. Regard must be paid to health; moderate exercises must be adopted; so much of meat and drink must be taken that the strength may be recruited, not oppressed.²¹

Noble dissertation on immortality.

It was, however, in answer to the fourth objection that old age is the relentless herald of death, that Cicero, whose Stoic conceptions of immortality and of a life beyond the grave had taken on their final form, put forth his full strength. The essence of his thoughts without a change of words may thus be condensed:

Pythagoras forbids us to abandon the station or post of life without the orders of our commander, that is of God. There

²¹ *De Senect.*, iv, 11.

is indeed a saying of the wise Solon, in which he declares that he does not wish his own death to be unattended by the grief and lamentation of friends. He wishes, I suppose, that he should be dear to his friends. But I know not whether Ennius does not say with more propriety, "Let no one pay me honor with tears nor celebrate my funeral with mourning!" He conceives that a death ought not to be lamented which is to be followed by immortality. Indeed I do not see why I should not venture to tell you what I myself think concerning death; because I fancy I see it so much the more clearly in proportion as I am less distant from it.

Death,
because
followed by
immortality,
not to be
lamented.

I used to hear that Pythagoras and the Pythagoreans,²² who were all but our neighbors, and formerly called the Italian philosophers, had no doubt that we possess souls derived from the universal divine mind. Moreover, the arguments were conclusive to me, which Socrates delivered on the last day of his life concerning the immortality of the soul—he who was pronounced by the oracle of Apollo the wisest of all men.

But why say more? I have thus persuaded myself, such is my belief: that since such is the activity of our souls, so tenacious their memory of things past, and their sagacity regarding things future—so many arts, so many sciences, so many discoveries—that the nature which comprises these qualities cannot fail to be immortal; and since the mind is ever in action and has no source of motion, because it moves itself, I believe that it never will find any end of motion, because it never will part from itself; and since the nature of soul is uncompounded, and has not in itself any admixture heterogeneous and dissimilar to itself, I maintain that it cannot undergo dissolution; and if this be not possible, it cannot perish.

Soul cannot
undergo
dissolution.

Does it not seem to you that the soul which sees more and farther, sees that it is passing to a better state, while that body, whose vision is duller, does not see it? . . . Oh, glorious day! when I shall depart to that divine company and assemblage of

²² The souls of men were represented by the Pythagoreans as light particles of the universal soul diffused through the whole world (Cic., *De Nat. Deor.*, i, 11). While the souls of men proceeded from the sun, which was a mere reflex of the central fire, the souls of the gods proceeded directly from the central fire itself.

Why old age
should be
delightful.

spirits, and quit this terrible and polluted scene. For I shall go not only to those great men of whom I have spoken before, but also to my friend Cato, than whom never was better man born, nor more distinguished for pious affection; whose body was burned by me, whereas, on the contrary, it was fitting that mine should be burned by him. But his soul not deserting me, but oft looking back, no doubt departed to those regions whither I saw that I myself was destined to go, which, though a sorrow to me, I seemed patiently to endure. Not that I bore it with indifference, but I comforted myself with the recollection that the separation and distance between us would not continue long. For these reasons, O Scipio (since you said that you with Laelius were accustomed to wonder at this), old age is tolerable to me, and not only not irksome, but even delightful. And if I am in error in believing that the soul of man is immortal, I err willingly; nor have I any desire while life lasts to eradicate the error in which I take delight. But if, after death (as some small philosophers think), I shall feel nothing, I have no fear that those departed philosophers will ridicule my error.²³

No matter whether or no Cicero was indebted for the plan of his treatise to the Stoic philosopher Aristo of Chios, certain it is that he poured out his final convictions as to the immortality of the soul, as ripened under the Stoic theory of natural law with its source in a single God, in Cato's animated discourse to Scipio and Laelius. That he did so *con amore* we cannot doubt because he says:

For my part I have found the composition of this book so delightful, that it has not only wiped off all the annoyance of old age, but has rendered old age even easy and delightful.

Laelius,
De Amicitia.

The sequel to the treatise on *Old Age* is the treatise on *Friendship* (*Laelius, De Amicitia*), in which is embodied a conversation supposed to have taken place between Laelius and his two sons-in-law, C. Fannius and Q.

²³ *De Senect.*, xx, xxi, xxiii.

Mucius Scaevola, not long after the mysterious assassination of Scipio Aemilianus (129 B.C.), and repeated in after years to Cicero by Scaevola. It should be remembered here that it was this Scipio Africanus the Younger who was the friend of Panaetius, the real founder of Roman Stoicism about the year 140 B.C.; that another member of that first group of Roman Stoics was Laelius, the intimate friend of Scipio and Panaetius; that his son-in-law Scaevola, known as "the augur," was an eminent Stoic and the first law teacher of Cicero; and that his other son-in-law Fannius, who obtained some distinction as a historian, was also of the same sect.²⁴ "A family succession was maintained through two daughters of Laelius, so that here we may perhaps recognize the beginning of the deservedly famous 'Stoic marriages.'" ^{24a} It is not without significance that Cicero took the *dramatis personae* of the *De Amicitia* from this famous Stoic group with Laelius, the nearest perhaps of all the Romans to the ideal of the Stoic sage, as the chief speaker, as the Stoic Cato had been in the *De Senectute*. To reproduce his own words in the address to Atticus:

Famous
"Stoic
marriages."

But as in the *Cato Major*, which was addressed to you on the subject of old age, I have introduced Cato when an old man conversing, because there seemed no person better adapted to speak of that period of life than he, who had been an old man for so long a time, and in that old age had been so pre-eminently prosperous; so when I had heard from our ancestors that the attachment of Caius Laelius and Publius Scipio was especially worthy of record, the character of Laelius seemed to me a suitable one to deliver these very observations on friendship which Scaevola remembered to have been spoken by him.²⁵

Attachment
of Laelius
and Scipio.

²⁴ *Brut.*, 26. See also *De Orat.*, i, 11.

^{24a} Arnold, *Roman Stoicism*, p. 383.

²⁵ *De Amicit.*, 1.

The deeper and real reason for the selection was that Stoicism in its Roman form, the form he had done so much to fashion, had taken such complete possession of Cicero's mind and soul in his later years as to overshadow all of his discourses, political, social, and spiritual. As spokesman of the Stoics Laelius says:

Friendship
a complete
union of
feeling on
all subjects.

Let us consider these worthy of the name of good men, as they have been accounted such, because they follow (as far as men are able) nature, which is the best guide of a good life. For I seem to myself to have this view, that we are so formed by nature, that there should be a certain social tie among all; stronger, however, as each approaches nearer to us. . . . Now friendship is nothing else than a complete union of feeling on all subjects, divine and human, accompanied by a kindly feeling and attachment. . . . In the first place, to whom can life be worth living, as Ennius says, who does not repose on the mutual kind feeling of some friend? What can be more delightful than to have one to whom you can speak on all subjects as to yourself? . . . Besides, he who looks on a true friend looks, as it were, upon a kind of image of himself: wherefore friends, though absent, are still present; though in poverty, they are rich; though weak, yet in the enjoyment of health; and, what is still more difficult to assert, though dead, they are alive. . . .

Has its ori-
gin in nature.

In true friendship there is nothing false, and nothing pretended; and whatever belongs to it is sincere and spontaneous. Wherefore friendship seems to me to have sprung rather from nature than from a sense of want, and more from an attachment of the mind with certain feeling of affection, than from a calculation how much advantage it would afford. . . . So not only will the greatest advantages be derived from friendship, but its origin from nature rather than from a sense of weakness, will be at once more impressive and more true. For if it were expediency that cemented friendships, the same when changed would dissolve them; but because nature can never change, therefore true friendships are eternal. . . .

Wherefore let us consider first, if you please, how far love ought to proceed in friendship. . . . It is no excuse for a fault,

that you committed it for a friend's sake; for since the belief in another's excellence was that which conciliated friendship, it is hard for friendship to continue when you have apostasized from virtue. . . . Let this law therefore be established in friendship, viz., that we should neither ask things that are improper, nor grant them when asked. . . . I think, therefore, we must adopt these limitations, that when the character of friends is correct then there should be a community between them of all things, of purpose and will, without any exception. . . . There should be no satiety of friendship as of other things: everything which is oldest (as those wines which bear age well) ought to be the sweetest; and that is true which is sometimes said, "many bushels of salt must be eaten together" before the duty of friendship can be fulfilled. ^{25a}

When there should be a community in all things.

From speculative and moral philosophy the transition is easy to the philosophy of religion, embodied in the treatise on the *Nature of the Gods* (*De Natura Deorum*), published immediately after the *Tusculan Disputations* and immediately before the *De Divinatione*, all three works appearing in the early part of the year 44 B.C. When we contemplate the marvellous richness and volume of Cicero's intellectual output during the last three years of his life (46-43 B.C.), it is impossible not to conclude that within that time he, with almost incredible rapidity, cast into final form materials collected by degrees from his youth up. He so states at the beginning of this book:

De Natura Deorum, the philosophy of religion.

I observe that the several books which I have lately published have occasioned much noise and various discourse about them; some people wondering what the reason has been why I have applied myself so suddenly to the study of philosophy, and others desirous of knowing what my opinion is on such subjects. I likewise perceive that many people wonder at my following that philosophy [the Academic] chiefly which seems to take away the

^{25a} *De Amicit.*, 5, 6, 7, 8, 9, 11, 12, 19.

light, and to bury and develop things in a kind of artificial night, and that I should so unexpectedly have taken up the defense of a school [the Stoic] that has been so long neglected and forgotten.

But it is a mistake to suppose that this application to philosophical studies has been sudden on my part. I have applied myself to them from my youth at no small expense of time and trouble. . . . But if any should ask what has induced me, in the decline of life, to write on these subjects, nothing is more easily answered; for when I found myself entirely disengaged from business, and the Commonwealth reduced to the necessity of being governed by the direction and care of one man [Caesar], I thought it becoming, for the sake of the public to instruct my countrymen in philosophy, and that it would be of importance, and much to the honor and commendation of our city to have such great and excellent subjects introduced in the Latin tongue.²⁶

Cicero explains why he expounds philosophy in the Latin tongue.

Earliest indication of preparation for the work.

The earliest indication of preparation for the composition of this particular work is to be found in a letter to Atticus written in July or August of the year 45 B.C., in which the author says: "Please send me the books of which I wrote to you before, and especially Phaedrus²⁷ *On Gods*."²⁸ Nothing could be plainer than Cicero's design as a skilful advocate to give to Plato, speaking through the *Phaedrus* and the *Phaedo*, to the Epicureans and to the Peripatetics, a full and fair hearing in order to turn the scale, with greater emphasis, in favor of the Stoics whose cause he was with great tact and subtlety really defending.

In setting the stage in such a way as to carry out that design, a conversation is reproduced which is supposed to have taken place in Cicero's presence about the year 76 B.C. in the house of the pontifex maximus, C. Aurelius

²⁶ *De Nat. Deor.*, i, 3, 4.

²⁷ An Epicurean philosopher who came to Rome in 88 B.C., where he excited Cicero's interest. — *Ad Fam.*, xiii, 1; *De Fin.*, i, 16.

²⁸ *Ad Att.*, xiii, 39.

Cotta, who, playing well the part of a New Academician, vigorously assailed the doctrines of others without advancing any positive views of his own, while the tenets of the Stoics were set forth with great clearness and power by Balbus, the pupil of Panaetius, and those of the Epicureans by Velleius, who took more pains to ridicule the speculations of the different schools than to defend those of the sect to which he belonged. And so the first book opens with a discourse from Velleius who, in a superior and contemptuous tone, makes a survey of doctrines running from Thales to Socrates, Plato, Antisthenes, Aristotle, and Chrysippus. As a fling at Plato's *Timæus* and the Stoics he says:

Cotta speaks for New Academy, Balbus for Stoics, Velleius for Epicureans.

Do not attend to these idle and imaginary tales; nor to the operator and builder of the World, the God of Plato's *Timæus*; nor the old Prophetic dame, the *Πρόνοια* of the Stoics, which the Latins call Providence; nor to that round, that burning, revolving deity, the World, endowed with sense and understanding; the prodigies and wonders, not of inquisitive philosophers, but of dreamers! For with what eyes of the mind was your Plato able to see that workhouse of such stupendous toil, in which he makes the world to be modelled and built by God? What materials, what tools, what bars, what machines, what servants, were employed in so vast a work? How could the air, fire, water, and earth pay obedience and submit to the will of the architect?²⁹

A fling at Plato and the Stoics.

After Velleius had then praised Epicurus because, he said, that he alone had placed the existence of the gods upon a firm and reasonable basis, Cotta came forward and overthrew his whole argument by demonstrating first, that the reasons given by Epicurus for the existence of the gods were entirely inadequate; secondly, admitting their existence, nothing could be less seemly than the form and qualities assigned them; and thirdly, granting

Cotta's response.

²⁹ *De Nat. Deor.*, i, 8.

such form and qualities, nothing could be more grotesque than the assumption that mankind should feel grateful to beings from whom nothing can be hoped in the way of sympathy or support.

Essence of
Stoic creed.

After the Academician Cotta, whose "school is at liberty to argue on which side you please," had thus disposed of the half-jesting Epicurean, Balbus came forward to propound the essence of the Stoic creed as to the nature of the universe and the Deity as its central and directing force.

Our sect [he said] divide the whole question concerning the immortal gods into four parts. First, they prove that there are gods; secondly, of what character and nature they are; thirdly, that the universe is governed by them; and lastly, that they exercise a superintendence over human affairs.³⁰

God is the
Universe,
the Universe
is God.

The essence of it all was embodied in the idea that God is the Universe and the Universe is God, who is the source of a system of permanent, uniform, and universal law of which he is the author, interpreter, and enforcer; a law known as the law of nature.³¹ The inevitable corollary was that as such a system could only flow from a single source there could be but a single supreme God or Deity. To employ the words of Balbus:

But as the previous idea which we have of the Deity comprehends two things—first of all, that he is an animated being; secondly, that there is nothing in all nature superior to him—I do not see what can be done more consistent with this idea and preconception than to attribute a mind and divinity to the world, the most excellent of all beings. . . . It follows, then, that the world has life, sense, reason, and understanding and is consequently a Deity.³²

³⁰ *De Nat. Deor.*, ii, 1.

³¹ Cf. Zeller, *Stoics, Epicureans, and Skeptics*, pp. 143, 149; Arnold, *Roman Stoicism*, pp. 218 sqq.

³² *De Nat. Deor.*, ii, 17.

Having thus established the existence of one supreme God as the sole and only source of the natural law, the Stoic logicians were compelled to degrade in some way the swarm of little gods who were still spoken of as such. That result was easily accomplished by simply treating the lesser gods as personifications either of certain physical forces in nature, or as personifications of certain moral or intellectual qualities in man. In stating that part of the case Balbus says:

One supreme God,
source of
natural law.

There is another reason, too, and that founded on natural philosophy, which has greatly contributed to the number of Deities, namely, the custom of representing in human form a crowd of gods who have supplied the poets with fables and mankind with all sorts of superstition. . . . By Saturn they mean that which comprehends the course and revolution of times and seasons. . . . Our Augurs also mean the same, when, for the "thundering and lightening heaven" they say the "thundering and lightening Jove."³³

Professor Sihler states the matter with reasonable clearness when he says:

The Stoics, while utterly abandoning the anthropomorphism of Homer and Hesiod and popular religion, still in a certain way strove to maintain or conserve the chief figures of that Hellenic Olympus. They did this, however, in a kind of scientific way, recognizing them as Physical Forces. Here they surpassed themselves in etymological speculation. There is one God but there are also many concrete forces of nature, which mankind has found to be beneficent. In this spirit Zeno interpreted Hesiod's Theogony. Kronos is Time, in Latin, because "filled with years."³⁴

The little
gods as phys-
ical forces.

In arguing for design in the creation of the world as opposed to the Epicurean assumption of a fortuitous concourse of atoms, the Stoic says:

³³ *De Nat. Deor.*, ii, 24, 25.

³⁴ Sihler, p. 388.

Design
as against
fortuitous
concourse
of atoms.

Can anyone in his senses imagine that this disposition of the stars, and this heaven, so beautifully adorned, could ever have been formed by a fortuitous concourse of atoms? Or what other nature, being destitute of intellect and reason, could possibly have produced these effects, which not only required reason to bring them about, but the very character of which could not be understood and appreciated without the most strenuous exertions of well-directed reason? ³⁵

Cotta's re-
joinder in
third book,
parts of
which
are lost.

The pontifex maximus, Cotta, the host on this occasion, in his rejoinder to Balbus, embodied in the third book, did not attempt to demolish all that he had said; he simply contended, according to the skeptical fashion of his school, that the reasons given for his positions were not such as were calculated to produce conviction. That part of the rejoinder directed against the assumption of a Divine Providence is lost, as is also the criticism upon the evidence for the visible appearance of the gods on earth. The most notable part of the criticism perhaps is that embodied in the suggestion that, according to Stoic interpretation of the universe, Olympus is robbed of all divinity, as reason cannot be considered divine because men often use it for the advancement of evil. ³⁶

*De Divina-
tione*, a treatise on the
mantic art.

As a sequel to the *De Natura Deorum* we have the treatise on the mantic art, or divination (*De Divinatione*), the first book of which was completed before, and the second after the ides of March:

Now these topics I have often discussed [says the author], and I did so lately with more than usual minuteness, when I was with my brother Quintus, in my villa at Tusculum.

³⁵ *De Nat. Deor.*, ii, 44.

³⁶ In the dexterous and subtle logic of Cotta, we may unquestionably trace the master-spirit of Carneades as represented in the writings of his disciple Cleitomachus (Kühner, p. 98).—Cf. *Smith's Dictionary of Greek and Roman Biography and Mythology*, vol. i, p. 739.

For when, for the purpose of taking walking exercise, we had come into the Lyceum (for that is the name of the upper Gymnasium), "I read," said he, "a little while ago your third book on the *Nature of the Gods*; in which, although the arguments of Cotta have not wholly changed my previous opinions, they have undoubtedly a good deal shaken them."³⁷

In what follows we have a detailed exposition of the conflicting opinions of the Stoics and the Academicians as to the reality of the science of divination, and the degree of confidence which should be reposed in its professors, Quintus Cicero, introduced for the first time in a dialogue of Marcus since 52 B.C., defending the doctrines of the Porch against those of the Academy. In the first book, chiefly devoted to a statement of the Stoic tenets, ultimately derived no doubt from Chrysippus himself,³⁸ the art of divination, expounding the signs given by God to men, is presented as something in close alliance with the Stoic belief in Providence (*πρόνοια*). We are told that—

. . . . The Stoics attempt to prove the reality of divination in this way: If there are gods, and they do not intimate future events to men, they either do not love men, or they are ignorant of the future; or else they conceive that knowledge of the future can be of no service to men; or they conceive that it does not become their majesty to condescend to intimate beforehand what must be hereafter; or lastly, we must say that even the gods themselves cannot tell how to forewarn us of them. . . . But there are gods, so therefore they do give such intimations; and if they do give such intimations, they must have given us the means of understanding them, or else they would give their information to no purpose. And if they do give us such means, divination must needs exist; therefore divination does exist.³⁹

Stoic proof
of the reality
of divination.

³⁷ *De Div.*, i, 5.

³⁸ Von Arnim, *Sto. Fragm.*, Pref., p. xxx, and vol. ii. p. 242.

³⁹ *De Div.*, i, 38.

A profound conviction of the reality of the existence of manticism was deeply embedded in the traditions and feelings of Roman life, public and private. When the skeptic Caesar entered the Curia of Pompey, in the teeth of unpropitious divination, when Crassus in the same spirit entered Mesopotamia, each was fairly warned as to the inevitable outcome of such impiety.

After enumerating, at the opening of the second book, many of his completed non-professional works, Cicero says:

I am girding myself up to what remains, with the desire (if I am not hindered by weightier business) of leaving no philosophical topic otherwise than fully explained and illustrated in the Latin language.

Arguments
of Carneades
against
manticism.

He then proceeds to present the arguments of Carneades, the head of the skeptical Academy, who contended that manticism was a delusion, and that the warnings it pretends to convey, if real, would be rather a curse than a blessing to mankind. In enforcing that view he says:

References
to Crassus.

Do you think that it would have been any advantage to Marcus Crassus, when he was flourishing with the amplest riches and gifts of fortune, to have foreknown that he should behold his son Publius slain, his forces defeated, and lose his own life beyond the Euphrates with ignominy and disgrace? Or do you think that Pompey would have experienced much satisfaction in being thrice made consul, and having attained the summit of glory by his heroic actions, if he could have foreseen that he should be assassinated in the deserts of Egypt after the defeat of his army, and that after his death those disasters should happen which we cannot mention without tears? What do you think of Caesar? Would it have been only pleasure to Caesar to have anticipated by divination that one day, in the midst of the throngs of senators whom he himself had elected, in the Temple of Victory built by

Pompey.

Caesar.

Pompey, and before that general's statue, and before the eyes of so many of his own centurions, he should be slain by the noblest citizens, some of whom were indebted to him for their dignities — aye, slain under such circumstances that not one of his friends, or even of his servants, would venture to approach him? Could he have foreseen all this, in what wretchedness would he have passed his life?⁴⁰

Let us reject, therefore, this divination of dreams, as well as all other kinds. For to speak truly, that superstition has extended itself through all nations, and has oppressed the intellectual energies of almost all men, and has betrayed them into endless imbecilities: as I argued in my treatise on the *Nature of the Gods*, and as I have especially labored to prove in this dialogue on *Divination*. For I thought that I should be doing an immense benefit both to myself and to my countrymen if I could entirely eradicate all those superstitious errors.⁴¹

An
oppressive
superstition.

In the fragment of a treatise on *Fate or Destiny (De Fato)*, of which the opening and closing portions have been lost, we have the last of the series of dissertations on speculative theology, beginning with the *De Natura Deorum* and continued in the *De Divinatione*. This mutilated and confused survival, whose style is careless and unfinished, represents what is supposed to have been a critical review of the tenets of the leading philosophic sects on the unsolvable problems involved in the dogmas of predestination and free will. Evidently the most prominent place was assigned to the Stoics who claimed that Fate, or Destiny, is the great ruling power of the universe, the λόγος,⁴² the divine essence from which all impulses are drawn, the Academics claiming, on the other hand, that the movements of the mind are voluntary, or at least not necessarily subject to external control.

De Fato, last
of the series
on specula-
tive theology.

Fate the
λόγος, the
divine
essence.

⁴⁰ *De Div.*, ii, 9.

⁴¹ *Ibid.*, ii, 72.

⁴² Fate is in fact but another name for the Logos or World-reason. — Arnold, p. 202.

"The reason of the universe."

Destiny and free will interdependent.

According to Chrysippus, "Fate is the reason of the universe," or "the rational principle in accordance with which current events have happened, and in accordance with which they are taking place, and further events will take place."⁴³ The first or positive part of the treatise has been lost; it is the negative portion that has been preserved—the Academic analysis and refutation of the Stoic position.⁴⁴ The dialogue occurred at Cicero's Puteolanum, where he spent the months of April and May after Caesar's death, the speakers being Cicero himself and Hirtius, consul elect, who was to begin his consulate at Rome on January 1, 43 B.C. While Cicero evidently regarded Fate or Destiny as the dictum of Providence, the decree of God, he certainly assumed at the same time that it is essentially conditional, going hand in hand with free will, since free will is one condition of Fate itself.⁴⁵ To use his own words:

Those, therefore, who thus introduce fate, and join necessity with it, rush wildly into this absurd consequence, namely, the destruction of free will. But those who admit antecedent causes without supposing them principal, have no such error to fear. In fact, nothing is more natural, according to these philosophers, than the manner in which the sentiments are produced by pre-existent causes. . . . Thus we may understand how both these contending disputants, when they have fairly explained their systems, arrive at the same essential result, and only differ in terms.

And since the main points are admitted by both sides, we may affirm with confidence that when certain causes precede certain effects we cannot hinder these effects from happening. In other cases, on the contrary, though certain causes preëxist, we have the moulding of their effects in our own power. Such is the

⁴³ Diog. L., vii, 149.

⁴⁴ Cf. Sihler, p. 404.

⁴⁵ In that way he agreed with the Fathers of the first three centuries, as explained by Leibnitz and Erasmus.

distinction recognized by both sides; but some imagine that those things whose causes so precede as to deprive us of the power of moulding the effect, are submitted to the empire of fate, but that those which depend on ourselves are free from it.⁴⁶

⁴⁶ *De Fato*, 18, 19. Niebuhr (*Vorträge über römische Geschichte*, Berlin, 1848, vol. iii, p. 85) says: "In this summer Cicero developed the greatest intellectual activity. He began the books *De Officiis*, he wrote *De Divinatione*, *De Fato*, *Topica*, *De Gloria*, and an enormous number of letters, many of which are not preserved. I know of no man who was so intensively active as was Cicero at this time: an ordinary being would be stupefied amid such circumstances, and think of the present only with consternation. Cicero knew everything that transpired, but did not at all permit himself to be overwhelmed by what he could not prevent, and he turned all his thoughts towards the domain of thought. That in this occupation he found distraction from his grief demonstrates the greatness of his soul."

CHAPTER XIV

CORRESPONDENCE AND MISCELLANEOUS WORKS

No matter with how much zest Cicero may have enjoyed an excursion to one of his many country seats, he loved more the excitements of the town, to which he was ever looking for news of current events. In a letter written to Caelius Rufus, then curule aedile, in June, 50 B.C., he says:

"The city, the city, my dear Rufus, stick to that."

The city, the city, my dear Rufus—stick to that and live in its limelight! Residence elsewhere—as I made up my mind in early life—is mere eclipse and obscurity to those whose energy is capable of shining at Rome.¹

How news was circulated at Rome.

In order to satisfy the craving for news, upon the part of those without as well as of those within the city, certain persons made a living at Rome by collecting the most important and interesting information, public and private, which they circulated every few days in a small handbook or gazette, *Commentarius rerum urbanarum*, copied many times by slaves, and distributed among those rich enough to subscribe for it. In order to popularize that process, Caesar, during his first consulship, seems to have passed a decree commanding one of the magistrates to cause a résumé of all of the most important news to be posted on white-washed walls in different parts of the city, with the further direction that so soon as it became stale the walls should be white-washed again in order that a fresh budget might appear.²

¹ *Ad Fam.*, ii, 12.

² Suet., *Caes.*, 20; Daremberg and Saglio, *D. A.*, i, 50, 51; Huebner, *De Senatus Populique Romani Actis*, Leipzig, 1860; Ferrero, *Greatness and Decline of Rome*, vol. i, p. 287.

In the absence of newspapers and knowledge of the art of printing³ the ancients, as a means of publicity, employed placards.

Ancient placards as a means of publicity.

When we traverse the ruins of a Roman town, we encounter them at every step. There are those made to last, and, with this intention, graven on brass, on marble, on stone. These are the enactments of authority, the laws of the emperors, the decrees of the Senate, and the decurions, or, even in private life, the contracts guaranteeing the right of possession, and the minutes of religious corporations desirous of recording the regular performance of their sacred functions. For things of minor note people had not recourse to materials of such costliness. On a board, or simply on a wall whitened with chalk, they wrote in black or red what they wished to advertise: the letting of a suite of rooms "at the kalends of July or the ides of August," the announcement of a show, "which will take place, weather permitting or without fail," and more often still, an election address. . . .

Among the Romans the placard never grew into a newspaper, but it continued to be displayed on the walls until the end of the Empire, and never ceased to be their principal medium of publicity. . . . Sainte Beuve was quite right in saying: "The true *Moniteur* of the Romans must be sought in the innumerable pages of marble and bronze on which they graved their laws and their victories."⁴

Caesar, who was installed as consul in 59 B.C., inaugurated another innovation when he arranged that reports of the sittings of the Senate should be made in a more regular manner, and for public distribution. "One of his first acts," says Suetonius, "was to decree that the reports of the sittings of the Senate, as well as those of the

Caesar gave publicity to proceedings of the Senate.

³ Certainly they came very near to the discovery of that art when they invented iron stamps, in relief or hollowed out, with which they printed upon thousands of vases, lamps, and tiles the name of the maker, the place where made, with mention of the consuls in office, in order to fix the date of production.

⁴ Bossier, *Tacitus and Other Roman Studies*, pp. 198-223, Hutchinson's translation.

people, should be daily written out and published": *Instituit ut tam senatus quam populi diurna confierent et publicarentur.*

One of the strong points of the Senate had been the secrecy of its proceedings; nothing of what actually transpired within it could be known, outside of that which it found convenient to disclose. Eager to do as much harm as possible to the aristocratic party, under the pretext of serving the democracy, Caesar resorted to this expedient in the belief that the Senate would be less esteemed the better it was known. It seems to be clear that reports of the Senate were conveyed to the people in the same manner as the *Great Annals* which had grown out of the practice of placing each year on the wall of the *Regia*, the residence of the pontifex maximus, a whitened board, called *album*, on which were inscribed, below the names of the consuls and magistrates, such notable political or military events as had happened at Rome or in the provinces. To the white tablet of the pontifex maximus the peasants who formed part of the tribes of the Campagna, many of whom had children in the army, made their first visit, no doubt, whenever market day or other occasion drew them to the city from the country. At the end of the year the supreme pontiff's tablet was removed and stored in the archives. When these boards, laden with so many memorials of the past, were finally brought together and published under the title of *Annales Maximi*, we have the beginnings of Roman history.⁵ In some such way the reports of the Senate must have been exhibited in the Forum, or in some other much frequented spot where the people could gather to read the proceed-

The *Great Annals* as a source of Roman history.

⁵ As to the *Annales Maximi*, see Dyer, *A History of the City of Rome*, pp. xvii-xxviii.



THE ROMAN FORUM.

ings of an aristocratic assembly which had taken place immemorially in secrecy.

At a very early day, into these Forum placards, designed to exhibit only the reports of the meetings of the Senate and people, were interpolated what Caelius treated as ineptitudes (*ineptiae*) and what we now call miscellaneous news (*faits divers*). Then, after the Empire had practically abolished the assemblies of the people, and reduced the influence of the Senate to a shadow, "the essential part of the *Acta senatus et populi*, that which at first had been their reason for existence, coming to be diminished more and more, the news of Rome, or, if you will, the miscellaneous news, little by little assumed the upper hand, and that which was accessory ended by becoming the principal feature. . . . The ancient *Acta senatus et populi*, which Caesar had created, became indiscernible. And so, apparently, the need was experienced of modifying the name they bore. They are usually called *Acta diurna populi Romani*. This title we have a right to translate by that of the *Roman Journal*." ⁶

*Acta diurna
populi
romani.*

But all such news, received through such semi-official sources, was more or less tame and perfunctory, confined as it was in the main to reports of public meetings, to a short summary of cases tried in the Forum, or the accounts of public ceremonies and atmospheric phenomena or prodigies. For the benefit of those who were required to live during long periods of time away from Rome, such as praetors and pro-consuls in the provinces, the deficiencies of the *Acta diurna* were supplied by "news-letters" written by paid correspondents, a class well de-

The
news-letter.

⁶ Bossier, *Tacitus and Other Roman Studies*, pp. 219-221, who says: "The most complete collection of what remains to us of the *Roman Journal* is to be found in M. Hübner's monograph entitled *De senatus populi romani actis*, Leipzig, 1860."

scribed in a letter written by Caelius Rufus to Cicero, while on his way to his province of Cilicia, in which the writer says:

As I promised you on the eve of your departure to write a full and careful account of all that went on in the city, I have taken pains to secure a man to describe everything so fully that I fear his industry in this respect may appear to you somewhat overdone. . . . It would have required considerable leisure not only to copy out all these details, but even to take notice of them; for the packet contains all the decrees of the Senate, edicts, gossip, and reports. If this specimen does not meet your wishes, let me know, that I may not spend money only to bore you.⁷

And still, over and above all such news as could be derived from all such sources, there was a need upon the part of leaders who could not be present in the midst of the whirl of Rome, for a more personal and intimate kind of information to be derived only from trusted and influential friends who could listen to private conversations behind the scenes in high places, and thus learn of the secret agreements, the discords, the intrigues, the political combinations which were the mainsprings of current events.

It was that kind of news Cicero craved when he settled down at Puteoli, Formiae, or Arpinum; and in order to obtain it, it was necessary for him to exchange letters constantly with such friends as Atticus, Curio, and Caelius Rufus, who were expected to supply it. In that way was written a fragmentary yet vivid history of the last years of the Roman Republic, which, coming as it does from

Personal
letters from
trusted
friends.

Epistolary
history of the
last years
of Roman
Republic.

⁷ *Ad Fam.*, viii, 1. See also *Ad Fam.*, viii, 1; viii, 2; viii, 11. In the first letter cited Caelius says: "As to Caesar, there are frequent and rather ugly reports—at any rate, people keep arriving with mysterious whispers; one says that he has lost his cavalry, which, in my opinion, is without doubt an invention; another says that the seventh legion has had a drubbing, that he himself is besieged among the Bellovacii, and cut off from the main army."

such a pen as Cicero's, is beyond all price. His contemporary Cornelius Nepos was certainly right when he said that he who reads those letters will not be tempted to seek the history of those dramatic times elsewhere. Cardinal Newman has said somewhere:

It has ever been a hobby of mine, though perhaps it is a truism, not a hobby, that the true life of a man is in his letters. . . . Biographers vanish, they assign motives, they conjecture feelings, they interpret Lord Burleigh's nods, but contemporary letters are facts.

Cicero's correspondence, as it has been handed down to us, does not begin until his thirty-ninth year; and, so strictly is it confined to contemporary events that it sheds but little light upon the past. At first it is desultory; there are but eleven letters between 68 B.C. and 65 B.C. Before the year first named he had already been quaestor (75 B.C.), and aedile (69 B.C.), and was then on the eve of his election to the praetorship in the next year (67 B.C.). He was already the leader of the Roman bar, having delivered his great oration against Verres two years before. Eleven years had passed by since the cementing anew of his relations with Atticus at Athens in 79 B.C.; and to this friend, whom he had known from his boyhood, he says in the first letter:

Cicero's correspondence begins in his thirty-ninth year.

First letter to Atticus then at Athens.

I am glad you like your purchase in Epirus. What I commissioned you to get for me, and anything you see suitable to my Tuscan villa, I should be glad if you will, as you say in your letter, procure for me, only do not put yourself to any inconvenience. The truth is, there is no other place that gives me complete rest after all my worries and hard work.⁸

Thus we begin with the successful advocate's letters, just after he had acquired the first of his numerous

⁸ *Ad Att.*, i, 5.

country villas which he proudly called the gems of Italy.

No letters for the critical years 64 and 63 B. C.

There are no letters either for the year 64 B.C., in which he made his canvass for the consulship, nor for the year 63 B.C., the year of the consulship itself. We have therefore no strictly contemporaneous accounts from him of the stirring events involved in the suppression of the Catilinian conspiracy, or of the execution of its leaders, a transaction which so deeply affected his after life. In Cicero's time letters were written either on tablets of ivory or wood covered with wax, in which the letters were cut in uncial characters by the *stilus*, the projecting rim of the tablets protecting them from defacement; or they were written on parchment or paper with a reed pen and ink. The longer letters of Cicero were probably written in that manner.⁹

Correspondence continuous from 62 to 43 B. C.

Apart from the first eleven letters, the correspondence really begins with the return of Pompey from the East in 62 B.C. and ends with the rise of Octavian and the formation in 43 B.C. of the Second Triumvirate, whose terrible death-toll included the life of Cicero himself. Within that period we have in the correspondence in question the most voluminous record that has descended from antiquity of the acts, the thoughts, the feelings of one of the most gifted men who ever lived, while passing through the momentous events incident to a turning-point in the world's history. A prince among critics has said:

A splendid estimate.

Notwithstanding the manifold attractions offered by the works of Cicero, we believe that the man of taste, the historian, the antiquary, and the student of human nature, would willingly resign them all rather than be deprived of the *Epistles*. Greece can furnish us with more profound philosophers, and with superior oratory, but the ancient world has left us nothing that could

⁹ See the reference to *charta* in *Ad Fam.*, vii, 18, and also in *Ad Att.*, iv, 4.

supply the place of these letters. Whether we regard them as mere specimens of style, at one time reflecting the conversational tone of familiar everyday life in its most graceful form, at another sparkling with wit, at another claiming applause as works of art belonging to the highest class, at another couched in all the stiff courtesy of diplomatic reserve; or whether we consider the ample materials, derived from the purest and most inaccessible sources, which they supply for a history of the Roman constitution during its last struggles, affording a deep insight into the personal dispositions and motives of the chief leaders; or, finally, seek and find in them a complete key to the character of Cicero himself, unlocking as they do the most hidden secrets of his thoughts, revealing the whole man in all his greatness and all his meanness, their value is altogether inestimable.¹⁰

The entire correspondence, extending over a period of twenty-six years and embracing nearly a thousand letters, is generally arranged in four groups. The first is entitled either *Epistolarum ad Familiares*, or, *Epistolarum ad Diversos Libri XVI*; the second, *Epistolarum ad T. Pomponium Atticum XVI*; the third, *Epistolarum ad Q. Fratrem Libri III*; the fourth, in most editions, *Epistolarum ad Brutum Liber*—a series of eighteen letters written after Caesar's death, eleven from Cicero to Brutus, six from Brutus to Cicero, and one from Brutus to Atticus. Of that notable person, everybody's friend, to whom the greater part of Cicero's letters were addressed, we would gladly know more. We know at least that Titus Pomponius was born at Rome, 109 B.C., of a wealthy family of equestrian rank; and that when his father died, while he was quite a young man, leaving him a moderate fortune, he prudently retired with it to Athens¹¹ in order to escape the dangers of the civil war

Letters arranged in four groups.

Titus Pomponius born at Rome, 109 B.C.

¹⁰ Smith, *Dictionary of Greek and Roman Biography and Mythology*, vol. i, p. 744.

¹¹ About 86 B.C. Cf. Drumann, vol. v, p. 8.

in which he came near being involved through his kinship with Sulpicius, one of the leaders of the popular party, who was put to death with his partisans by Sulla's order. Then and there it was that he resolved to stand aloof from public affairs, to escape the entanglements of faction while preserving friendly relations with all parties.

Out of his
life at Athens
grew his title
of Atticus.

Thus removed from the trials and dangers of Roman politics, he made himself a part of the life of Athens, where he distributed corn to the citizens, lent money without interest to needy men of letters, distinguishing himself at the same time as the first Roman who dared to declare openly his fondness for the arts and culture of Greece. In that way his nickname of Atticus was acquired. While through the fortunate purchase of an estate in Epirus, which prospered under his skillful management, his means began to grow, fortune came in a larger way when his uncle, Q. Caecilius, the most notorious usurer in Rome, adopted him in his will, leaving him the greater part of his estate, ten million sesterces, \$400,000¹² or more. He was thus able to become a money lender and to build up a large library at Athens, in which he kept a staff of slaves engaged in the task of making copies of valuable books which he sold.¹³

Money
lender and
publisher
at Athens.

His return
to Rome.

After an absence of more than twenty years from Rome, broken only at long intervals by short visits, Atticus wound up his banking business in such a way as to conceal

¹² Nepos, *Vit. Att.*, 2.

¹³ Before Atticus left Athens he had a whole library to dispose of. Cicero had his eyes upon it (*Ad Att.*, i, 10). "His household staff," says Nepos (*Vit. Att.*, 13), "though insignificant for purposes of display, was admirable so far as use was concerned. It comprised a number of highly educated slaves, excellent readers and copyists enough and to spare; indeed, there was not a footman who was not able to discharge both these functions with credit."

the sources of his wealth, and returned to Rome, where he divided his time between his town and country houses.¹⁴

The natural ties of friendship which bound Cicero to Atticus had been strengthened—some say weakened—by the marriage of the former's only brother, Quintus, to the latter's sister, Pomponia,¹⁵ a touchy and jealous lady who found relief at last through divorce. But over and above all else stood the fact that Atticus was Cicero's banker and book publisher, and general guide, counsellor, and friend, ever ready to buy decorations for his villas, to publish in Greek the history of his consulship, to dissuade him from suicide, to arrange for the return of the dower of Terentia, to criticize his translation of *καθῆκον*,¹⁶ to find the proper persons when treatises were to be dedicated, and finally to provide loans whenever creditors were importunate.

Cicero's
banker and
book pub-
lisher.

This priceless friend was ever ready to be useful, even as a target when the barbed arrows of sarcasm could find no better mark. After Pomponia's son Quintus had made a pathetic and fruitless appeal to his famous uncle for a loan, he told Atticus: "I took then something of your eloquence; I answered nothing." As another tribute to the thriftiness of the helpful friend, who is said to have expended only 3,000 asses (\$30) per month on his table,¹⁷ Cicero circulated the report that he often served to his guest very common vegetables on very costly plate.¹⁸ At the next moment, however, the great orator

His
parsimony.

¹⁴ His house at Rome was on the Quirinal near the temples of Salus and Quirinus (*Ad Att.*, xii, 45; *De Leg.*, i, 1). Its chief ornament was a wood (*silva*) or park (*Nepos, Vit. Att.*, 13).

¹⁵ *Nepos, Vit. Att.*, 5. ¹⁶ *Ad Att.*, xvi, 14. ¹⁷ *Nepos, Vit. Att.*, 13.

¹⁸ *Ad Att.*, vi, 1. When Cicero sent to Atticus (*Ad Att.*, xvi, 3) his treatise *De Gloria*, with the request that it should be copied on large paper, he suggested that he read it to his guests at a dinner he was about to give, adding: "Give them a decent dinner as you love me; else they will vent on my treatise their indignation against you."

would invite the thrifty and unselfish friend into the penetralia of his life, and exhibit to him, behind the scenes, all the devices by which he produced stage effects. In one of his letters he says:

Cicero's
confidence
in him.

My book, on the other hand, has exhausted the whole scent-box of Isocrates, and all the paint-boxes of his pupils, and even Aristotle's colors.¹⁹

That he loved Atticus tenderly there can be no doubt; that he longed for him always is made plain by the exclamation:

May I perish, my dear Atticus, if either my Tusculan villa, where in all other respects I am very happy, or even "the Isles of the Blest," could satisfy me without you.²⁰

His last
letter to him.

The last letter that has come down to us was written from Arpinum between November 11 and December 9 of the year 44 B.C. to Atticus at Rome, in which Cicero says:

Pen picture
of Octavian.

I return to public affairs. I have received — heaven knows — many a prudent word from you under the head of politics, but never anything wiser than your last letter: "Though that youth is powerful and has given Antony a fine check; yet, after all, we must wait to see the end." My, what a speech! [The *contio* delivered by Octavian on his first visit to Rome.] It has been sent to me. He qualifies his oath by the words: "So may I attain to the honors of my father," and at the same time he held out his right hand in the direction of his statue. *Nec servatoribus istis*. But, as you say in your letter, the most certain source of danger I see to be is the tribuneship of this Caesar of ours. This is what I spoke about to Oppius. When he urged me to open my arms to the young man, the whole cause, and the bevy of veterans, I replied that I could by no means do so unless I was completely satisfied that he would be not only not hostile to the tyrannicides, but actually their friend. When he remarked that it would be so, I said, "What is our hurry then? For Octavian

¹⁹ *Ad Att.*, ii, 1.

²⁰ *Ibid.*, xii, 3.

does not require my services till January 1, whereas we meanwhile shall learn his disposition before December 13 in the case of Casca.”²¹ He cordially assented. Wherefore, so far so good. For the rest you shall have a letter carrier every day, and, as I think, you will have something to write to me every day.

Then, after speaking of pressing financial difficulties connected with the return of Terentia’s dower, he thus concludes:

We must come therefore to Rome—however hot the conflagration. For personal insolvency is more discreditable than public disaster. Accordingly, on the other subjects, on which you wrote to me in a most charming style, I was too completely upset to be able to reply in my usual way. Give your mind to enabling me to extricate myself from the anxiety in which I am now. By what measures I am to do so, some ideas do occur to my mind, but I can settle nothing for certain until I have seen you.²²

Personal
insolvency.

As the two friends met at Rome on December 9 the correspondence was in that way interrupted; and, if it was ever renewed, the subsequent letters have been lost. Atticus did everything possible for Cicero but perish with him. He escaped from the shipwreck in which his friend went down; and in that way won the praise of his indulgent biographer, Cornelius Nepos, who says:

Atticus
survived the
shipwreck.

If we overwhelm with praises the pilot who saves his vessel from the rocks and tempests, ought we not to consider admirable the prudence of a man who, in the midst of those violent political storms, succeeded in saving himself?²³

Atticus, with his genius for friendship, promptly became the friend of those who had proscribed the orator himself. The friend of Brutus and the confidant of

²¹ One of the assassins, and a tribune-elect who was to come into office December 10.

²² *Ad Att.*, xvi, 15.

²³ Nepos, *Vit. Att.*, 10.

Cicero quickly became the familiar of Antony and Octavian, frequented their houses, and attended their fetes.²⁴

Tiro, the orator's right-hand man.

Director of the household economy.

"Tertia will not come if Publius is invited."

Shorthand writer and collaborator.

It is impossible to think or speak of the correspondence in question apart from Tiro, the faithful slave, secretary, and shorthand writer, who did so much to create it and everything to preserve it. As the entire fabric of society in the ancient world was based on slavery, it is at once interesting and instructive to observe the tender and intimate relations existing between Cicero and Tiro, who was probably born a slave in the family in which he became such an important factor. Becoming attached to him in his youth, his master took a personal interest in his education, thus preparing him for the part he was to play in the house as the regulator of its order and economy, as the confidential director of its finances, as the supervisor of the accounts of the sometimes inaccurate steward Eros, and as the negotiator of loans with the bankers who upheld the master's credit at critical moments. He was also charged with the supervision of the gardens, of all building operations, and even with the delicate task of sending out dinner invitations in such a way as to assemble congenial guests, ever mindful of the fact that "Tertia will not come if Publius is invited."²⁵

It was, however, as Cicero's private secretary, as his shorthand writer,²⁶ as the decipherer of his master's scribbling,²⁷ which other copyists could not read, that Tiro was invaluable. Nay, more, it is plain that this

²⁴ The thrifty Atticus married his daughter to Agrippa, and thus became the grandfather of the Roman empress, Vipsania Agrippina, the consort of Tiberius.

²⁵ *Ad Fam.*, xvi, 22. Tertia was wife of Cassius and sister of Brutus. Who Publius was we do not know.

²⁶ *Ad Att.*, xiii, 25.

²⁷ *Ad Fam.*, xvi, 21.

confidential man of all work was at times a collaborator. Aulus Gellius says that he aided his master in the composition of his works;²⁸ and in a letter to Tiro, ill at the time, Cicero says:

My poor studies, or rather ours, have been in a very bad way owing to your absence. However, they have looked up a little owing to this letter from you brought by Acastus. Pompey is staying with me at the moment of writing this, and seems to be cheerful and enjoying himself. He asks me to read him something of ours, but I told him that without you the oracle was dumb. Pray prepare to renew your services to our muses.²⁹

In another, written on his journey homeward from Cilicia, he says:

I do beg you, my dear Tiro, not to spare any expense in anything whatever necessary for your health. I have written to Curio to honor your draft to any amount; something, I thought, ought to be paid to the doctor himself to make him more zealous. Your services to me are past counting at home, in the Forum, at Rome, in my province, in private and public business, in my literary studies and compositions. But there is one service you can render me that will surpass them all—gratify my hopes by appearing before me well and strong! I think, if you are recovered, you will have a most charming voyage home with the quaestor Mescinius. He is not without culture, and is, I thought, attached to you. And while health should be your first and most careful consideration, consider also how to secure a safe voyage, dear Tiro. I would not have you hurry yourself now in any way whatever. I care for nothing but your safety. Be assured, dear Tiro, that no one loves me without loving you; and, though it is you and I who are directly concerned in your recovery, yet it is an object of anxiety to many.³⁰

A tender
letter from
Cicero.

Tiro was certainly beloved in the same way by the whole family, because, when he was remiss in correspondence, Quintus writes:

²⁸ A. Gell., vii, 3.

²⁹ *Ad Fam.*, xvi, 21.

³⁰ *Ibid.*, xvi, 4.

From
Quintus.

I have chastised you, at least with the silent reproach of my thoughts, for this is the second packet that has arrived without a letter from you. You cannot escape the penalty for this crime by your own advocacy; you will have to call Marcus to your aid, and do not be too sure that even he, though he should compose a speech after long study and a great expenditure of midnight oil, would be able to establish your innocence. In plain terms, I beg you to do as I remember my mother used to do. It was her custom to put a seal on wine-jars even when empty to prevent any being labeled empty that had been surreptitiously drained. In the same way I beg you, even if you have nothing to write about, to write all the same, lest you be thought to have sought a cover for idleness; for I always find the news in your letters trustworthy and welcome. Love me, and good-bye.³¹

From Marcus
the younger.

Marcus the younger was equally affectionate. After Tiro had purchased a farm, no doubt from his master's bounty, the son wrote a playful letter in which he says:

You are a man of property! You will have to give up your fine city ways. You have become a Roman country-gentleman. I see you as large as life, and with very charming look, buying things for the farm, talking to your bailiff, and keeping the seeds you have saved from the dessert in the corner of your cloak. But as to the matter of money, I am sorry as you that I was not on the spot to help you. But do not doubt, my dear Tiro, of my assisting you in the future, if time does but stand by me; especially as I know that this estate has been purchased for our joint advantage.³²

Tiro,
inventor
of shorthand.

There can be no doubt that Tiro was the master, possibly the inventor, of a system of shorthand which enabled him to take down Cicero's dictation with all necessary rapidity. In the letter to Atticus in which he describes the painful labor imposed upon him by the composition of the *Academica*, Cicero says:

"Takes down
whole periods
at a breath."

May I be hanged if I ever take so much trouble again about anything! Consequently I did not dictate it even to Tiro, who

³¹ *Ad Fam.*, xvi, 26.

³² *Ibid.*, xvi, 21.

usually takes down whole periods at a breath, but syllable by syllable to Spintharus.³³

There was no lack upon the part of Tiro's shorthand; the difficulty was with the subject, which was so complicated as to require dictation to the longhand writer Spintharus, "syllable by syllable." In a very long letter written to Quintus, while he was in Britain, Cicero says:

Thus, to explain its being in another handwriting, I *dictated to Tiro* while at dinner.³⁴

In another to Atticus he says:

However, we came at last to the subject of Quintus [the younger]. He [Dolabella] told me many things beyond words—beyond expression; but there was one of such a kind that, had it not been notorious to the whole army, I should not have ventured, I don't say *to dictate to Tiro*, but even to write it with my own hand.³⁵

From Sir Edward Maunde Thompson we have the last word on this interesting subject:

Thompson
on the *Notae*
Tironianae.

According to Suetonius the first introduction of shorthand signs or *notae* was due to Ennius; but more generally Cicero's freedman, M. Tullius Tiro, is regarded as the author of these symbols, which commonly bear the title of *Notae Tironianae*. The Tironian notes belonged to a system which was actually tachygraphic; that is, each word was represented by a character, alphabetic in origin, but having an ideographic value. The notes, as we have them, have come down to us in a mediaeval dress, and are probably amplified from their shapes of early times with various diacritical additions which attached to them after the practice of the system had died out, and when the study of them had become an antiquarian pursuit, demanding a more exact formation of the symbols and their variants than was possible or neces-

In a medie-
val dress.

³³ *Ad Att.*, xiii, 25: "Ergo ne Tironi quidem dictavi, qui totas *περιοχὰς* persequi solet, sed Spintharo syllabatim." — Letter no. 642 in Tyrrell.

³⁴ *Ad Quint. Frat.*, iii, 1.

³⁵ *Ad Att.*, xiii, 9.

Group of syllabic signs.

sary to a shorthand writer familiar with the system and writing at full speed. Such a system of shorthand, expressing words by comprehensive symbols or word-outlines, could be the only system possible for rapid reporting of human speech. But it seems that in instances where a symbol was not forthcoming to express an unusual word, such as a proper name, it was customary, at least in the written notes which have survived, to express it by a group of syllabic signs. A reporter, taking down a speech, could not have waited to express the unusual word or proper name by such a slow process; and no doubt in actual practice he would, in such an emergency, have invented on the spur of the moment such conventional sign which he would remember how to expand afterwards. But in the mediaeval inscriptions written in Tironian notes a syllabic system was made use of in such cases; and hence arose variations in different countries in the syllabic method of expressing words.³⁶

Another high authority says:

It is well known that the Romans under the Empire were acquainted with a species of shorthand writing so as to be able to take down fully and correctly the words of public speakers, however rapid their enunciation (Martial, *Ep.* xix, 202; Manil., *Astron.*, iv, 197; Senec., *Epist.*, 90). From a notice in the Eusebian chronicle, taken in combination with some observations in the *Origines* of Isodorus (i, 21), it has been inferred that Tiro was the inventor of the art.

Manumission of Tiro, who assumed the name of Marcus Tullius.

While it is impossible to fix exactly the date of his manumission, we know that Tiro then assumed the name of Marcus Tullius, according to the custom in such cases. In the letter written by Quintus to his brother, congratulating him on the act of manumission, he says:

I am delighted about Tiro. He was much too good for his position, and I am truly glad that you preferred that he should be our freedman and friend rather than our slave. Believe me, when I read your letter and his I jumped for joy, and I both

³⁶ See article on "Shorthand" in *Enc. Brit.*, 11th ed., vol. xxiv, p. 1008.

thank and congratulate you: for if the fidelity and good character of my own Statius is a delight to me, how much more valuable must those same qualities be in your man, since there is added to them knowledge of literature, conversational powers, and culture, which have advantages even over those useful virtues.³⁷

About this time it was that Quintus manumitted his confidential servant, Statius, who seems to have had such undue influence in his household as to excite hostile comment, not only from his jealous wife Pomponia,³⁸ but from his brother Marcus, who, referring specially to Statius' undue influence while his brother was governor of Asia, wrote:

Manumission
of Statius by
Quintus.

But it used to annoy me most when I was told that he had greater influence with you than your sober time of life and the wisdom of a governor permitted. How many people, do you suppose, have solicited me to give them a letter of introduction to Statius? How often, do you suppose, has he himself, while talking without reserve to me, made such observations as "I never approved of that," "I told him so," "I tried to persuade him," "I warned him not to"? And even if these things show the highest fidelity, as I believe they do, since that is your judgment, yet the mere appearance of a freedman or slave enjoying such influence cannot but lower your dignity; and the long and short of it is—for I am in duty bound not to say anything without good grounds, nor to keep back anything from motives of policy—that Statius has supplied all the material for gossip of those who wished to decry you; that formerly all that could be made out was that certain persons were angry at your strictness; but that after his manumission the angry had something to talk about.³⁹

Instead of troublesome presumption, Tiro was full of solicitude for the welfare of his patron and benefactor

Tiro as Cicero's literary
executor.

³⁷ *Ad Fam.*, xvi, 16.

³⁸ For Cicero's amusing account of his brother's family, see *Ad Att.*, v, 1, 3. After praising the amiability of his brother Quintus, he gives Atticus to understand that his sister, Pomponia, is a heartless shrew.

³⁹ *Ad Quint. Frat.*, i, 2.

during life, and for his fame after death. Scenting the battle from afar, Cicero wrote to him in July, 45 B.C.:

I see what you are about: you want your letters also to be collected into books. But look here! You set up to be a standard of correctness in my writings—how came you to use such an unauthorized expression as “by faithfully devoting myself to my health”? How does *fideliter* come in there?⁴⁰

Just a year later he wrote to Atticus:

There is no collection of my letters in existence; but Tiro has something like seventy. Moreover there are some to be got from you. I ought to look through and correct them. They shall not be published until I have done so.⁴¹

Cicero had some time before drawn the distinction between those letters written spontaneously with no view to publication, and those careful compositions which were to appear as essays, when in a letter to Trebonius, then in Spain, he said: “For I write in one style what I expect that only the persons addressed, in another what I expect that many, will read.”⁴² It is fortunate that Cicero’s plan of revision was never carried out; it is more fortunate that Tiro, despite his feeble health, lived until he was more than a hundred years old, devoting the remainder of that long life to the labor of love involved in the task of collecting and publishing the works of the illustrious friend with whose name his own will always be connected.⁴³ Through his efforts were preserved, in all their natural beauty and freshness, not only the seventy letters which his patron said were in his possession,

Devoted remainder of a very long life to his task.

⁴⁰ *Ad Fam.*, xvi, 17.

⁴¹ *Ad Att.*, xvi, 5.

⁴² *Ad Fam.*, xv, 21.

⁴³ Quintilian (at the end of bk. x) observes of the notebooks left behind by Cicero, “Nam Ciceronis ad praesens modo tempus aptatos libertus Tiro contraxit; quos non ideo excuso, quia non probem, sed ut sint magis admirabiles.”

but the entire correspondence as it now exists. In addition to his biography of Cicero, he brought out his unpublished works, including his smallest notes and witticisms, of which it is said he made too large a collection, and several editions of his speeches, still consulted in the time of Aulus Gellius.)

First among Cicero's miscellaneous works should be mentioned the *Oeconomica ex Xenophonte*, produced when he was about twenty-one years of age, of which he says in the *De Officiis*, after speaking of health and wealth:

Miscellaneous works,
Oeconomica ex Xenophonte.

These matters Xenophon, the Socratic philosopher, has discussed very completely in that book which is entitled *Oeconomicus*, which I, when I was about that age at which you now are, translated from the Greek into Latin,⁴⁴

no doubt as an exercise in Latin expression. It was divided into three books, the first relating to the duties of a mistress of a household at home; the second to the duties of the master of a household out of doors; while the third and most important, no doubt, was devoted to the subject of agriculture. The arguments have been preserved by Servius; and the most important fragments of this work, considered as notable by Saint Jerome as late as 380 A.D., are contained in the eleventh and twelfth books of Columella which, with those derived from other sources, are to be found in Orelli's *Cicero*, vol. iv, pt. 2, p. 472.

Only a few sentences remain of a monograph bearing some such title as *De Consiliis suis*, which was published, as we learn from Asconius and St. Augustine, in justification of Cicero's policy when his election to the consulship was threatened by the intrigues of Crassus and

De Consiliis suis.
De Consulatu.

⁴⁴ *De Off.*, ii, 24.

Caesar (Ascon. *ad. Orat. in Tog Cand.*; Augustine, c. *Julian. Pelag.*, v. 5; Fronto, *Exc. Elocut.*). His only purely historical work was a commentary on his own consulship, written in Greek and completed before the month of June, 60 B.C., of which he says in a letter to Atticus, who was to be the publisher:

This, as you tell me in another letter, you glanced over at Corcyra, and afterwards I suppose received it from Cossinius. I should not have ventured to send it to you until I had slowly and fastidiously revised it. . . . Pray, if you like the book, see to there being copies at Athens and other Greek towns; for it may possibly throw some lustre on my actions. As for my poor speeches, I will send you both those you ask for and some more also, since what I write to satisfy the studious youth finds favor, it seems, with you also.⁴⁵

While this Greek prose composition has been entirely lost, a fragment, consisting of seventy-eight hexameters written soon after as a Latin poem on the same subject, is quoted in the *De Divinatione* (i, 11-13). Only a few words remain of the panegyric upon Cato, composed after his death at Utica in 46 B.C., to which Caesar replied in the monograph entitled *Anticato*. (Gell., xiii, 19; Macrobi., vi, 2). In a letter to Atticus he says:

What the nature of Caesar's invective in answer to my panegyric is likely to be, I have seen clearly from the book, which Hirtius has sent me, in which he collects Cato's faults, but combined with very warm praise of myself. Accordingly, I have sent the book to Musca with directions to give it to your copyists, as I wish it to be made public. To facilitate that please give orders to your men. I often try my hand at an "essay of advice."⁴⁶

That "advice" was to be directed to Caesar, on the re-establishment of the constitution, after the manner of the treatise addressed by Aristotle to Alexander *περὶ*

⁴⁵ *Ad Att.*, ii, 1.

⁴⁶ *Ibid.*, xii, 40. See also *Ad Att.*, xii, 4.

βασιλείας. We know from letters to Atticus⁴⁷ that he wrote a funeral oration on Cato's sister, Portia, the wife of Domitius Ahenobarbus, and aunt to Brutus' wife Portia.

Cicero's poetical works, most of which belong to his earlier years, when considered, as they should be, as exercises undertaken for amusement or improvement, bring no discredit upon his poetical taste, which was certainly sharpened by his studies under Archias. *Arati Phaenomena* and *Arati Prognostica* were certainly juvenile efforts, although subsequently corrected and embellished. Of the former about five hundred hexameter lines, nearly all of which are continuous, and of the latter twenty-seven only, remain. Of Aratus, the Stoic poet of Soli in Cilicia, largely used by Virgil in his *Georgics*, who wrote epics on the heavens without any knowledge of astronomy,⁴⁸ we read in the *De Natura Deorum*:

Poetical
works.

Aratus, Stoic
poet of Soli.

I will say here, says Balbus, looking at me, make use of the verses which, when you were young you translated from Aratus, and which, because they are in Latin, gave me so much delight that I have many of them still in my memory.⁴⁹

Of Cicero's translations from Homer, specially mentioned in the *De Finibus* (v, 18), specimens, amounting in all to forty-four hexameters, may be found in the *De Divinatione*, ii, 30; *Tusculanae Disputationes*, iii, 26, 9; and St. Augustine, *De Civ. Dei*, v. 8. For the poetical and other fragments of Cicero, in their best form, with explanatory notes, see volume four of Orelli.

Translations
from Homer.

⁴⁷ *Ad Att.*, xiii, 37, 48.

⁴⁸ Cf. *Phaenomena*, ed. E. Maass, 1893; *Comm. in Aratum reliquiae*, coll. E. Maass, 1898. St. Paul in his speech upon Mars Hill accepts a verse from Aratus as a text upon which to proclaim the fatherhood of God: "For we are also his offspring" (Acts xvii, 28). See Arnold, *Roman Stoicism*, p. 409.

⁴⁹ *De Nat. Deor.*, ii, 41.

CHAPTER XV

AN APPRECIATION OF CICERO

A turning-point in the world's history.

FROM what has now been said it appears that at a turning-point in the world's history Marcus Tullius Cicero, the brilliant and precocious son of a Roman country gentleman, passed at an early age from his cradle spot in the Volscian mountains into the city-state of Rome, at a time when its rapid increase in wealth, after the conquest of the Mediterranean basin, had brought about a condition of political degeneration, of moral and social decadence, emphasized by a declining birth-rate and by a military incapacity that became more marked as its power was extended over subject peoples.

Cicero and St. Paul.

Rome was at that moment upon the eve of a tremendous transition. An ancient republic that had bartered away its freedom for dominion was soon to be transformed into an empire; the ancient and exhausted paganism was soon to give way before the triumphant march of the Christian church. Forty-three years after the death of Cicero, Christ came into the world; and, about thirty years after the death of Christ, St. Paul, a prisoner in chains, who had barely escaped shipwreck, landed on the west coast of Italy near Cicero's country seat at Puteoli, where he met brethren¹ who promptly informed

¹ "13. From thence, compassing by the shore, we came to Rhegium: and after one day, the south wind blowing, we came the second day to Puteoli;

"14. Where, finding brethren, we were desired to tarry with them seven days; and so we went to Rome." — *Acts* xxviii. The Italian Christians had long been looking for a visit from the famous Apostle, though they did not expect to see him arrive thus a prisoner in chains, hardly saved from shipwreck. Cf. Conybeare and Howson, *The Life and Epistles of St. Paul*, p. 725.

the Christians at Rome that the long-expected Apostle of the Gentiles was among them.

The *avant-coureur* of the great political transition in question was Sulla—

. . . . a type of statesman new to the history of Rome, a type which contemporaries regarded as the personal creation of Sulla, but which was in reality simply the inevitable offspring of the commercial era and of democracy as it was understood in the ancient world—the type of the military chief at the head of a devoted army which he controls by his money and by the sword.²

The fact has heretofore been emphasized that after Sulla had passed away that new type of a statesman was reproduced in a more perfect form in Pompey, and after he had passed away, in a still more perfect form in Caesar. The entire public life of Cicero, as advocate, statesman, and philosopher, was passed in a vain effort to revive the ancient republican constitution, and ancient political and moral ideals, after their overthrow by the new imperial system represented by Sulla, Pompey, and Caesar had become inevitable.

A type of statesman new to history of Rome.

After thorough training by the best masters in all the prevailing forms of Greek culture, the youthful advocate, upon the threshold of his forensic career, had his hopes blighted for the moment by the terrible Italian war which swept the more important advocates into the army, and closed all the courts except the Commission for High Treason. During the next year it was, the year of Sulla's first consulship (88 B.C.), that the Italian or Social War was transformed into a Civil War in which for the first time Roman armies were opposed to each other on the battlefield, the leaders of the vanquished party being executed and their heads exposed on the

Italian or Social War.

² See above, p. 188.

Rostra as those of enemies of the state. The midnight did not begin to break until the return from the East in 83 B.C. of Sulla who, after a winter passed in Campania, pressed forward to Rome, overthrowing the younger Marius in 82 B.C., and entering the city without further opposition.

At twenty-five Cicero began his forensic career.

It was under the Sullan régime, after the courts had been reopened, with certain serious changes of organization as to criminal jurisdiction, that Cicero, then in his twenty-fifth year, began his forensic career.

His entry into politics.

When at the age of thirty-six the rising orator, through his triumph in the case of Verres, won the leadership of the Roman bar, with his rival Hortensius humbled in the dust, he announced his entry into politics by declaring that he would no longer appear as a prosecutor.

Leader of the Italian middle class.

With that announcement Cicero's career as a statesman, in the largest sense of that term, really begins. Like his great fellow-townsmen Marius he was a self-made man. Despised by the Roman aristocracy as a *peregrinus*, and unpopular with the Roman populace, he was the trusted leader of the Italian middle class, designated by him as "the true Roman people." Opposed alike to socialistic dreams and aristocratic exclusiveness, he stood with them for the ancient simplicity of life as against the splendid luxury of the capital.

It was his influence with the middle class that won his elections to the offices of quaestor, aedile, praetor, and consul, at the earliest ages at which it was possible to hold them; it was their voice that insisted in 58 B.C. upon his recall from exile; it was his power over them that made Caesar eager to win him over in 49 B.C.³

The first crucial test to which Cicero was subjected as

³ See above, p. 218.

Conspiracy
of Catiline.

a statesman arose out of the duty that devolved upon him as consul to crush a conspiracy that found ardent supporters among the dissipated youth and decadent aristocracy of Rome, among the poor in all parts of Italy, and even among the middle class of well-to-do proprietors, whom the passion for speculation had driven into debt—a conspiracy involving a revolutionary propaganda that moved society to its depths.

The leader of that conspiracy was Lucius Sergius Catiline, a brawny young giant, descended from one of the oldest and proudest of the patrician families, who, after his second defeat for the consulship in 63 B.C., resolved upon a *coup d'état*, involving the assassination of Cicero and the forcible seizure of his office, to be carried out amid an insurrection of the slaves and a conflagration of the city itself. The peril could not have been more grave—the consummate courage and art by which it was averted could not have been more complete.

After purchasing the neutrality of his colleague Antonius through a transfer to him of his province of Macedonia, Cicero, as the single guardian of the life of the state, played the game with such boldness and craft that Catiline was driven from Rome without bloodshed, leaving behind him a headless and irresolute group who planned their own destruction when they approached the Allobrogian envoys who were asked to aid the revolutionary forces by kindling the flames of war beyond the Alps. The masterful criminal lawyer surpassed himself by the boldness, the rapidity, the finesse, with which he drew the bungling conspirators into his net; the resolute statesman overstepped no doubt the bounds of legality when he induced the Senate to exceed its jurisdiction in

Cicero's
conduct.

condemning them, without a trial, to an ignominious death.

How estimated at the time.

While in his first great moment of dreadful responsibility Cicero, in his eagerness to save the life of the state, may have disregarded the highest guaranty of the ancient constitution, an act that drew after it the gravest personal consequences, there is no room for doubt that as the sole and only responsible head of the state he acted with an unselfish fearlessness, a rare tact and decisiveness whose complete success left nothing to be desired. His conduct was so regarded at the time by those who witnessed it. As he tells us near the close of the Fourth Catilinarian:

Such glory during life as you have honored me with by your decrees no one has ever attained to. For you have passed votes of congratulation to others for having governed the Republic successfully, but to me alone for having saved it.⁴

Clodius as leader of the Roman mob.

Bona Dea scandal.

The second notable adversary with whom Cicero was called upon to deal as a public man was, in a certain sense, as formidable as the first. The aristocrat Publius Clodius, while no doubt a degenerate, was the brother-in-law of Lucullus, the instrument of Pompey, the electoral agent of Caesar, and a most dexterous leader of the Roman mob, more frightful than our own, because drawn from lower and more formidable elements. In the very midst of the Catiline menace occurred the Bona Dea scandal in which Clodius and Caesar's wife, Pompeia, were so deeply involved.

No matter whether Cicero was drawn into the position of a voluntary witness against Clodius in order to quiet the suspicions of the jealous and shrewish Terentia as to Clodia, the fact remains that from that time the bold and all-powerful demagogue became his enemy and re-

⁴ IV Phil., 10.

solved to wreck him, with the tacit consent of his rivals, upon the ostensible plea that as consul he had unlawfully executed the associates of Catiline.

There are those who attempt to belittle Cicero, claiming, and no doubt justly, that in the midst of a calamity so sudden and so withering as his exile, he did not conduct himself with that calm resolution and patient fortitude which should have been exhibited by a really great character even under such circumstances. How the fallen idol poured out his lamentations has been fully explained heretofore.

His wailings
in adversity.

To Quintus he wrote:

I was unwilling to be seen by you. For you would not have seen your brother—not him whom you had quitted; not him whom you have known; not him whom you left in tears at your departure, when you were yourself in tears—not even a trace of him—not a shadow, but the image of a breathing corpse!⁵

By such outbursts of grief and despair did the exiled statesman, the spoiled child of fame and fortune, do more than prove to the world that Seneca was right when he said: "There is no one more unfortunate than the man who has never been unfortunate, for it has never been in his power to try himself."⁶ Does the fact that Napoleon was not always heroic during his exile at St. Helena, does the fact that his cruel captivity was punctuated by petty, spiteful quarrels with Sir Hudson Lowe, destroy the glory won at Marengo, Austerlitz, Jena, Friedland, Borodino, and the Pyramids? The French never attribute courage to any man as a never-failing quality. They say he was brave today, and may be brave tomorrow. And so nothing is more unjust, more illogical, than that kind of criticism which attempts to rob great

The true test
of courage.

⁵ *Ad Quint. Frat.*, i, 3.

⁶ *De Provid.*, iii.

men of the praise due for heroic deeds performed on supreme occasions by a recitation of the fact that under commonplace and vexing conditions they yielded to infirmities indigenous in human nature.

Judgments
of contemporaries.

Posterity should never ignore the judgments passed upon a man's acts by his contemporaries present when they occurred. Certainly the Romans, who forced Cicero's recall and greeted him upon his return from exile with such an ovation as no other man ever received, could not have thought ill of his conduct in the hour of adversity. The twenty-four days consumed on the journey from Brundisium to Rome was a triumphal procession; even Plutarch says it was no exaggeration, yea less than the truth, when Cicero declared that he was carried back to Rome on the shoulders of Italy. No matter how vain, how impatient, how irresolute, how despairing the emotional nature of Cicero may have been on ordinary occasions, a careful study of his acts sustains the assertion that never on a great one did he falter.

Cicero never
faltered
on a great
occasion.

When the supreme moment arrived, when the rich and powerful Verres was to be scourged and driven out in defiance of his august retainers; when the life of the state was to be defended against such desperate and resourceful warriors as Catiline and Marc Antony, his imperious personal leadership, his unselfish courage were always unfailing even unto death. When the time came for him to follow Pompey, knowing as he did that Pompey was doomed, he did not falter because both honor and duty made the path plain for him.

The final test of Cicero's courage and patriotism came during the fateful year and eight months that intervened between the assassination of Caesar by the tyrannicides and his own assassination at the hands of the Imperialists

—the interval occupied by the duel to the death with Antony, who quickly resolved to seize the purple of his fallen benefactor and to make himself his heir. Such was his deliberate purpose from the day he conducted the funeral of the regent, whose body was brought from his palace, where it had been lying since the assassination, down to the Forum and placed upon the Rostra with the blood-soaked toga still wrapped about it. After he, by his consummate art and eloquence inherited from a famous father, had driven from Rome those who had planned and executed the assassination of Caesar, but one real gladiator remained in the arena, a gladiator who resolved to defend alone the fallen Republic in its death agony and to go down with it into the grave.

Duel to
the death
with Antony.

His position at this juncture was at once unique and imposing. Nearly all of the great actors contemporary with him had passed from the stage, many of them to bloody graves. His commanding intellect and reputation qualified him in a peculiar way for the unofficial leadership the Roman Senate and people were soon to thrust upon him. Public opinion among the Romans in Italy never wavered in its devotion to the republican cause until put down by armed force.

The moment Antony threw off the mask and ceased to dissemble, Cicero was ready with the First Philippic, a grave, dignified, self-restrained criticism of Caesar's acts and Antony's policy, without being a declaration of war. And yet he had said enough against the consul to settle the fact that he left the Senate his declared enemy. The most important asset Caesar had left behind him, from a political point of view, was represented by the thirty-six legions to whose training as fighting machines he had devoted the best energies of his life. It is not

First
Philippic.

The struggle for the
legions.

therefore strange that when Antony appropriated the inheritance of Octavian, and attempted to treat him with contempt, the real heir, who had just completed his nineteenth year, after allying himself with the republicans, prompted his agents to incite the legions at Brundisium to abandon Antony, while he himself appealed to Caesar's veterans settled on their lands in Campania to come to his standard.

Center of
gravity of
the state had
shifted.

No matter what Cicero, Antony, or Octavian might say, the event depended upon what the heaviest battalions resolved to do. Thus the center of gravity of the state had shifted. Under the old constitution those who aspired to supreme power at Rome asked it at the hands of the citizens assembled in the Forum or Campus Martius; under the new Caesarian system such power had to be sought in the camps of the veteran legions.

With a perfect appreciation of the political value of the legions, Antony resolved to take from Decimus Brutus his command in Cisalpine Gaul, given him by Caesar and confirmed by the Senate after his death. With that all-important post, backed by a strong military force, the consul believed that he would have at his mercy not only the capital but the wide plains of the region now known as modern Lombardy.

Siege of
Mutina.

After Decimus had rejected that aggression as unconstitutional, he awaited an attack behind the powerful walls of the fortress of Mutina, where he was besieged by Antony until the following April. There the last stand was made for the Roman Republic; there the veteran legions completed the transfer of the sovereign power to the new military monarchy. And yet when the siege of Mutina began it seemed to be certain that the Caesarians could be overthrown and the Republic

reëstablished, if only a leader could be found equal to the emergency.

There was but one leader possible, a man then sixty-two years old, who was more capable of wielding the pen than the sword. As the life and soul of the opposition to Antony, he had become the spokesman of those who called themselves, as Appian tells us, Ciceronians—those who still clung to the traditions of the Republic and to the principles of the ancient constitution. The decisive hour of his life had arrived. Under such conditions would the conqueror of Catiline attempt to save the Republic a second time? On the morning of December 20, he took the decisive step by assuming the leadership in a spirit of self-sacrifice, and with a boldness and defiance that indicated that he had burned all bridges behind him.

Shortly after the beginning of the new year, 43 B.C., realizing that the republican cause could only be advanced by revolutionary methods, Cicero met the situation by the furious assault upon Antony contained in the Fifth Philippic, pointed with the intimation that his ulterior object was to capture Transalpine Gaul so as to be able to return with sufficient forces to enable him to seize the capital. At that critical moment of waiting, which may be considered the prologue to the civil war soon to begin in the valley of the Po, Cicero, imbued with the belief that he was the parliamentary champion of the constitution, became, in fact if not in law, the head of the senatorial government of the Republic. "He was, in fact, prime minister of Rome,"⁷ and as such he was forced not only to discharge the duties of many of the missing officers of state, but to breathe into the weak and waver-

Cicero prime
minister of
Rome.

⁷ See above, p. 292.

ing a fiery enthusiasm and force such as he had scarcely possessed in his earlier years.

As the inflexible leader, who stood alone with a whole-hearted desire for war, he said:

What a responsibility it is to support worthily the character of a chief of the Roman Commonwealth; those who bear it should shrink from offending not only the minds but the eyes of their fellow citizens.⁸

Why success was impossible.

Reason given by Decimus Brutus.

Less than six months intervened between the glorious April 19, when the people, after the arrival of bulletins announcing victory in the first battle of Mutina, escorted Cicero in triumph to the Capitol and back again, and the day on which the Caesarian triumvirate condemned him unheard to a traitor's death. During the interval he led with all the heroism of despair a forlorn hope beset by conditions that made success impossible. The nature of those conditions revealed themselves in the moment of victory that followed the second battle of Mutina, when Octavian failed to join Decimus Brutus in the pursuit and destruction of Antony. In the graphic words of Decimus: "I cannot command Caesar, and Caesar cannot command his troops. These are both very ugly facts."⁹ The builders of the new military Empire had no idea of immolating themselves on the grave of the dead Republic.

As the Caesarian mania grew, the legions, believing that their interests would be best promoted by a military monarchy, drew together in a coalition whose primary purpose was a campaign of revenge against those who had so cruelly arrested its growth. In that campaign of revenge Cicero perished after he had been surrendered to the executioners by Octavian, who had called him

⁸ VIII Phil., x.

⁹ *Ad Fam.*, xi, 9.

"father." Declining both exile and suicide, the sole surviving defender of the ancient constitution met his fate serenely when the time came for him to seal his devotion with his blood.

[In a very peculiar and emphatic sense the life of Cicero was twofold. Behind the stirring and highly dramatic scenes of the life of the man of action, there was ever flowing like a stream through a shadow land the stronger and deeper life of the man of contemplation, of the philosophic and poetic dreamer whose thoughts were for all time. By the contrast heretofore suggested between a fruit-bearing tree and a thought-bearing man an attempt was made to emphasize the fact that from about his twentieth to his sixty-fourth year Cicero's mind persisted in producing at fairly regular intervals fruits which never dwindled either in quantity or quality.] His intellectual output was never more brilliant or more bountiful than during the two years immediately preceding his death. And here special emphasis should be given to the fact that there seems to have been no deliberate design in the direction of authorship. Each of Cicero's productions seems to have been the natural, perhaps the inevitable, outcome of the career of an intensely human and rarely gifted man who was ever applying the fruits of abstract speculation to the practical problems of life at a time when such problems were passing through the crucible of a profound political and spiritual revolution. Each of his works seems to have bloomed naturally out of the special circumstances of the period to which it belongs.

Out of Cicero's practical experience as a statesman grew his works on the science of politics, *i. e.*, on government and law. Elated by the brilliant reception of the *De Oratore*, he began in 54 B.C., when Caesar was pre-

Cicero as a man of contemplation.

His intellectual fruitfulness.

No deliberate design in the direction of authorship.

Treatises on government and law.

*De
Republica.*

paring for his second invasion of Britain, to work on his comprehensive treatise on the *Commonwealth* known as *De Republica*, a work whose direct and practical purpose was to arouse Roman citizens to the dangers which then threatened destruction to the liberties of their country. In appealing to his countrymen "to rise on stepping-stones of their dead selves to higher things," the inspired patriot did not hesitate to promise that all patriotic and philanthropic statesmen should not only be rewarded on earth by the approval of their own consciences and the applause of all good citizens, but by immortal glory in a realm beyond the grave.

De Legibus.

About the year 52 B.C. appeared as a supplement the *De Legibus*, whose relation to the *De Republica* has been described already.

De Officiis.

When due weight is given to the motive that inspired the production of the treatise entitled *De Officiis*, it must be regarded as the conclusion of an appeal for the regeneration of the Roman Republic first made in the *De Republica*, and its supplement, *De Legibus*. Eight years had passed by since the composition of the last named; the tragedy of the ides of March was over; Cicero, weary and disillusioned, had written the Second Philippic but had not published it, when in his lonely villa at Puteoli, he resolved—

. . . . to make one more search, as his predecessors had done, for the hidden means of conciliating imperialism with liberty, progress with prosperity, luxury and wealth with social and political discipline, and intellectual culture with morality.¹⁰

Ignoring the capital advance which Aristotle had made in separating ethics from politics, Cicero, in the three connected compositions in question, acting rather as a

¹⁰ See above, p. 370.

statesman than as a philosopher, employed Stoic ethics, considered as an applied moral science, as a driving power in Roman politics. Who can read the famous trilogy as a connected whole without perceiving a most deliberate and persistent effort upon the part of their author to employ Stoic ethics, as an applied moral science, as the best and only means of regenerating Roman social and political life?

Motive of famous trilogy.

Finally as Cicero ascended towards the zenith of his powers his ripest thoughts were recorded in the more mature works on philosophy and theology which admit us into the penetralia of his mind and soul. [No matter whether it be classicist or publicist who attempts to solve the problem of problems involved in his life, no progress will be made unless he is clear-visioned enough to brush aside the thin veil that conceals the fact that when the great orator laid down the dexterous arts of the advocate and assumed the stern moral and patriotic duties of the statesman, he at the same time put aside the quibbling skepticism] of the Academy for the lofty precepts of the new world-religion known as Stoicism, by which the philosophers and jurists of Rome became completely enthralled.

Treatises on philosophy and theology.

[It is impossible to grasp the real significance of Cicero's intellectual life as a connecting link between the ancient and modern world without a clear comprehension of the fact that "the deeper substratum of his spiritual affinity," which finally enveloped his mind and soul, was Roman stoicism in its purest and most scientific form.]

Stoicism the undertone.

In the analyses heretofore made of the *De Finibus*, treating of the Supreme Good, considered as the essence of practical wisdom, and involving the ultimate foundations of ethics; of the *Tusculan Disputations*, involving

incidental questions concerning ethics; of the *Paradoxa Stoicorum*, a *jeu d'esprit* constructed as a covert attack upon Hortensius, Crassus, and Lucullus; of the *De Senectute*, the most charming, perhaps, of all Cicero's essays on the philosophy of morals; of its sequel, the *De Amicitia*; of the *De Natura Deorum*, a treatise on the philosophy of religion; of its sequel, the *De Divinatione*, a treatise on the mantic art; of the *De Fato*, the last of the series of dissertations on speculative theology, a persistent effort was made to explain how it was that whenever

1 [in his later years Cicero spoke seriously as a jurist, statesman, moralist, or theologian, it was to emphasize with all the force in his ardent nature some one of the great principles involved in the Stoic cosmopolis or world-state, ruled by a single God as the source of permanent, uniform, and universal law.]

God as the source of permanent, uniform, and universal law.

2 [By that magnificent notion of one supreme God, creating and governing everything through permanent, uniform, and universal law, pantheism was practically annihilated, the swarm of little gods being reduced to mere personifications of physical forces.] Armed with that new Stoic conception of a single and law-creating God, and with that logic in which the Stoics were such adepts, Cicero was able to redefine the immortality of the soul and a conscious personal existence after death with a distinctness and convincing power which a dreaming philosopher like Plato, not so armed, had never been able to impart to such thoughts.

Definitions of immortality.

As sidelights to the long procession of Cicero's didactic mental creations we have the fifty-seven immortal orations, and the priceless letters which begin in his thirty-ninth year (68 B.C.) when he was already a man of established reputation, and end with the touching appeal

Orations and letters.

addressed to Cassius, written very early in July, 43 B.C. The entire correspondence, extending over a period of twenty-six years, and embracing nearly a thousand letters, constitutes the most voluminous record that has descended from antiquity of the acts, the thoughts, the feelings of one of the most gifted men who ever lived, while passing through the most momentous events incident to a turning-point in the world's history. A special student of these letters has said:

Not only were the times in which Cicero lived focal for history, but they were exceedingly perplexing. Precedents and traditions supplied no solution for problems that were arising — problems of which our author might well say that they were "baffling and insoluble; and yet a solution must be found" (A., 8, 3, 6). The strongest motives usually found coöperating would be directly opposed to each other. These were surely circumstances adapted to stimulate the balancing of values, the examination of the goods in view of which choices are made.¹¹

Moral values
as expressed
in the letters.

These wonderful compositions, sparkling with wit and written in every style, touch every octave of life and thought from the gravest matters of state down to the trivialities involved in the etiquette of the time.

Revelations
as to Roman
etiquette.

The letters of Cicero give one the impression that he and his contemporaries had a delicate sense of appreciation of the niceties of courtesy, and that while their standards do not measure up to what the twentieth century would consider correct, there did exist a certain amount of conventional decorum, and a more or less general regard for it in so-called "polite society."¹²

The fragmentary, yet vivid, history thus written of the last days of the Roman Republic, coming as it does from such a pen, is beyond all price. Cornelius Nepos was

¹¹ See Warren Stone Gordis, *The Estimates of Moral Values Expressed in Cicero's Letters*, University of Chicago Press, p. 7.

¹² See Anna Bertha Miller, *Roman Etiquette of the Late Republic as Revealed by the Correspondence of Cicero*, p. vii, University of Pennsylvania, 1914.

certainly right when he said that he who reads these letters will not be tempted to seek the history of these dramatic times elsewhere.

Cicero's contributions to Roman literature.

As we gaze in wonder upon the mass of recorded thought, formal and informal, which Cicero left behind him, it is impossible not to contrast its richness and volume with the disjointed fragments constituting what was called Latin literature when his youthful studies began. The fact that Ennius and Caius Gracchus held the first places among the Latin classics, studied by the young advocates as models of style, naturally suggests the poverty of Roman letters at that time. The Romans had then no manuals of philosophy or any philosophical writings in Latin apart from the poem of Lucretius and some poor productions by obscure Epicureans. Furthermore Latin was not a philosophical language, nor one in which a deep thinker could express himself with clearness and purity.

And to the Latin tongue.

In the presence of such conditions Cicero set for himself the task of restating in Latin manuals the entire deposit of philosophic and political thought made by the Grecian with the Roman world. But before that design could be executed it was necessary so to enlarge and enrich the vernacular as to make it capable of the task he was to impose upon it. A philosophical terminology had to be constructed before the new literature could come into being.

Terence and Lucretius had cultivated simplicity; Cotta, Brutus, and Calvus had attempted strength; but Cicero rather made a language than a style; yet not so much by the invention as by the combination of words. Some terms, indeed, his philosophical subjects obliged him to coin.¹³

¹³ Newman, "Cicero," in *Historical Sketches*, vol. i, p. 297.

As the Greek originals on which his philosophical works were based have, for the most part, been lost, it must ever remain a question as to the extent to which he supplemented the old materials by his own speculations. As the genius of the Greeks broke down at the threshold of law; as jurisprudence is a Roman creation, legal science a Roman invention, it is certainly reasonable to assume that he made decided advances in that domain. It is still more certain that in the domain of speculative theology he advanced far beyond Plato in the definiteness of his conceptions of immortality and a life beyond the grave, not by reason of superior mental acumen, but because he was armed, as Plato could not be, with the new and magnificent Stoic notion of a single God, as the source of permanent, uniform, and universal law of which he was the author, interpreter, and enforcer—the law known as the law of nature. In that way pantheism was wrecked in substance if not in form, and the swarm of little gods reduced either to personifications of certain physical forces in nature, or of certain moral or intellectual qualities in man.

Extent to which he supplemented old materials.

A deliberate effort has been made to demonstrate that the persistency of Cicero's intellectual influence through the centuries has depended largely upon its spiritual and ethical undertone which influenced so profoundly the thought of the early Christian church; that in the years immediately preceding and following the advent of Christianity the works of the brilliant and earnest expounder of Roman stoicism were educating the peoples of the Mediterranean basin up to a point at which they could listen with a better understanding to the teachings of St. Paul.

His influence on the thought of the early Christian church.

The warm embrace naturally given to Cicero by the

Cicero's
works in
early Chris-
tian libraries.

early Christian Fathers secured for his works a prominent place in nearly all of the early Christian libraries. In the list of the library of King Ecgberht, given by Alcuin the librarian, we find "Boethius, Pliny, Aristotle, and Cicero"; in the library of St. Requier there were copies of Homer, Virgil, and Cicero; the abbot Lupus of Terrièrs requests a friend to bring him the *Wars of Catiline* and of *Jugurtha*, by Sallust, and the *Verrines* of Cicero.

His work on rhetoric (*De Inventione*), so far from being devoured by the moths, was the very first chosen for translation into Italian prose. It appeared in the vulgar idiom in 1257, the translator being Galeotto, the professor of grammar in the university of Bologna.¹⁴ Long before he could grasp the meaning of classical Latin, Petrarch used to read the prose of Cicero aloud, revelling in the sonorous cadences and balanced periods of the master's style; and as he grew older he did his utmost to collect the manuscripts of Cicero, journeying and sending to remote parts of Europe or wherever he heard that a fragment of his favorite author was to be found.

Cicero,
Petrarch's
literary idol.

So completely was Cicero Petrarch's literary idol that when strangers crowded around him, asking him what presents they could send him from distant lands, his invariable reply was: "Nothing but the works of Cicero." In speaking of those works he said: "You would fancy sometimes it was not a pagan philosopher, but a Christian apostle, who was speaking." To the Italy of Petrarch we must look for the cradle of the Renaissance. He it was who first taught his countrymen how to study the Latin masters in a humanistic spirit in an age when art was triumphant and when richness of decoration,

"Not a pagan
philosopher,
but a Chris-
tian apostle."

¹⁴ Cf. Augusta T. Drane, *Christian Schools and Scholars*, pp. 84, 129, 148, 157.

pomp of phrase, and rhetorical fluency was apt to appeal to the inner spirit of a splendor-loving people. At such a moment when the most distinctive feature of humanistic literature was the creation of a Latin style, the supreme dictatorship was awarded to Virgil in verse, and to Cicero in prose.

Literary dictatorship of Virgil and Cicero.

The Renaissance found exactly what it wanted in the manner of the most obviously eloquent of Latin authors, himself a rhetorician among philosophers, an orator among statesmen. . . . Another important branch of literature, modeled upon Ciceronian masterpieces, was letter-writing. . . . Petrarch, after discovering the familiar letters of the Roman orator, first gave an impulse to that kind of composition.¹⁵

Something more than a century after Cicero's death a great blast of praise came from a famous rhetorician eminently qualified to pass upon his merits as an orator. Quintilian's great model was Cicero, despite the fact that the reaction against the Ciceronian type of eloquence which had begun in his lifetime had acquired decided strength after his death. Mommsen says:

Quintilian's estimate of Cicero as an orator.

The Ciceronian manner ruled no doubt throughout a generation the Roman advocate-world, just as the far worse manner of Hortensius had done; but the most considerable men, such as Caesar, kept themselves always aloof from it, and among the younger generation there arose in all men of fresh and living talent the most decided opposition to that hybrid and feeble rhetoric. They found Cicero's language deficient in precision and chasteness, his jests deficient in liveliness, his arrangement deficient in clearness and articulate division, and above all his whole eloquence wanting in the fire which makes the orator.¹⁶

Mommsen's view.

From that picture let us turn to Quintilian's comparison between Demosthenes and Cicero so long regarded as a model of critical acuteness and discrimination. He says:

¹⁵ Symonds, *Renaissance in Italy*, vol. ii, p. 528. See also p. 73.

¹⁶ *History of Rome*, Dickson's trans., vol. iv, p. 727, corresponding to vol. iii of the original.

Comparison
between
Demosthenes
and Cicero.

Of their great excellences I consider that most are similar; their method, their order of partition, their manner of preparing the minds of their audience, their mode of proof, and, in a word, everything that depends on invention. In their style of speaking there is some difference; Demosthenes is more compact, Cicero more verbose; Demosthenes argues more closely, Cicero has a wider sweep; Demosthenes always attacks with a sharp-pointed weapon, Cicero often with a weapon both sharp and weighty; from Demosthenes nothing can be taken away, to Cicero nothing can be added; in one there is more study, in the other more nature. In art, certainly, and pathos, two stimulants of the mind which have great influence in oratory, we have the advantages.¹⁷ We must yield the superiority, however, on one point, that Demosthenes lived before Cicero, and made him, in a great measure, the able orator that he was; for Cicero appears to me, after he devoted himself wholly to imitate the Greeks, to have embodied in his style the energy of Demosthenes, the copiousness of Plato, and the sweetness of Isocrates.¹⁸

It is certain that when the foremost of Roman orators arose to speak before a popular assembly the personal power he was able to wield was enormous; and it was, no doubt, that sense of marvellous power over the crowds he held spellbound that excited in him the resolve to become the Demosthenes of the Italian democracy.

As the great stone of Cicero's fame as advocate, statesman, and philosopher has rolled on from the past to the present it has crushed more than one opposing pebble in its path. The first conspicuous opponent who lifted his head was Dio Cassius (155-229 A.D.), born something more than a century after Quintilian, an official historian

¹⁷ Quintilian maintains that there are three literary forms in which the Romans can bear comparison with the Greeks: "Satira tota nostra est elegia Graecos provocamus non historia cesserit Graecis" (x, 1, 93-94, 101).

¹⁸ *Inst. orat.*, x, 1, 105. Tacitus (*Dialogus*, 25) says: "Adstrictior Calvus, numerosior Asinius, splendidior Caesar, amarior Caelius, gravior Brutus, vehementior et plenior et valentior Cicero."

of the Empire, exact and minute, but without political capacity, and with a narrow mind full of ridiculous superstitions, a characteristic which he often attributes to his historical personages.

This dull and courtly annalist, who had inherited the traditions of Cicero's enemies, was simply consumed with a morbid hatred of the last and noblest champion of Roman freedom. His malice is robbed, however, of much of its sting by the ridiculous inaccuracy and the bungling voluminousness with which it is expressed, as, for instance, in the twenty-eight chapters¹⁹ occupied by the speech put into the mouth of Fufius Calenus, designed as a sweeping attack upon the career and character of Cicero, and, no doubt, as a counterblast to the Second Philippic. The following extracts illustrate its temper:

An official historian consumed with hatred of Cicero.

Speech put into mouth of Calenus.

Is not he the one who killed Clodius by the hand of Milo, and slew Caesar by the hand of Brutus? The one who made Catiline hostile to us and despatched Lentulus without a trial? . . . Who is unaware that you put away your first wife who had borne you two children, and at an advanced age married another, a mere girl, in order that you might pay your debts out of her property? And you did not even retain her, to the end that you might keep Caerellia²⁰ fearlessly, whom you debauched when she was as much older than yourself as the maiden you married was younger, and to whom you write such letters as a jester at no loss for words would write if he were trying to get up an amour with a woman seventy years old.

¹⁹ Bk. xlv, 1-28. In the excellent translation of Dio's *Rome* by Herbert Baldwin Foster (Troy, N. Y., 1905), the speech in question occupies pp. 49-74 of vol. iii.

²⁰ A learned lady and a great admirer, who, apart from loaning Cicero money, devoured his philosophical works. She had a special copy of *De Finibus* made for herself, even before Atticus was ready for publication (*Ad Att.*, xiii, 21). She struggled in vain to induce Cicero to take back Publilia (*Ad Att.*, xiv, 19). Sihler (p. 368) has well said: "The scandalous and silly insinuations made by Antony and his adherents (Dio, 46, 184) may be thrown into the waste-basket of history without much ado."

Animus
of Appian
and Dio.

Nothing could be more palpable than the fact that Appian and Dio, Greek historians of the second and third centuries, who were bound by every interest, taste, and prejudice to the new imperial system, were more than willing to revile and misrepresent those who had been the most conspicuous exponents of the fallen Republic.

Labored
malevolence
of Drumann.

After the lapse of many centuries the evil spirit of Dio, so redolent of jibes and sneers for the enemies of monarchy, entered into the minds of two modern historians whose assaults upon the fame of Cicero are only worthy of notice by reason of the world-fame of one of them. If it were not for what Mommsen said in 1856, in the third volume of his *History of Rome*, no one would now take the trouble to recall the labored malevolence that inspired Drumann, who undertook, in 1834,²¹ with a minuteness and dullness worthy of Dio, and with the inquisitorial spirit of a prosecuting attorney, to formulate charges against the career and character of Cicero based upon the assumption that he was never animated by a single high-minded or disinterested motive in the entire course of his life.²² In the words of E. Hübner:

In nearly thirteen hundred closely printed pages Drumann has . . . subjected Cicero's life, acts, and words to a trial which, in inquisitorial harshness, finical casuistry, brutal inconsiderateness, may be recommended to every district attorney as a warning example.²³

Motive
of the attack.

For the motive of such an attack we have only to look to Drumann's preface in order to learn—

²¹ W. Drumann, *Gesch. Roms in seinem Uebergange*, etc. 1834 sqq., vol. v (1841), from pp. 216–716, and vol. vi (1844), pp. 1–685, "so wenig er sich sonst scheut, Zweideutigkeiten und Schwächen, ja offenbare Falschheiten auf Ciceros Andenken zu wälzen" (C. F. Hermann). Cf. Gardthausen, *Augustus*, vol. i, p. 77. Sihler, p. 471.

²² He does, however, acquit him absolutely of all charges involving licentiousness.

²³ "Cicero," *Deutsche Rundschau*, p. 10.

. . . his personal point of view in a way which would seem to be incredible, had not the Königsberg professor uttered it himself: "Roman history proves that republican forms of government are not permanently suited to mankind such as it is" (p. iv). He believed that the "haven of monarchy" is the normal finality of perfect political development: "Not against my will, but without the same, my work is a eulogy of monarchy," etc. (p. viii). So far as Cicero is concerned, no matter how minute the detail or how petty the circumstance, Drumann, like a retained barrister, strives to present him in an odious light. He is thoroughly partisan, thoroughly unfair, and biased to the point of perversion—actually going so far as to compare Cicero to Robespierre.²⁴

In order to make his eulogy of monarchy more impressive, he undertakes to hold up to the contempt of mankind one of the most brilliant and famous of all republicans. An utter lack of the sense of humor did much, however, to render his performance grotesque. The ponderous erudition that enabled this inflexible theorist to give line and verse for all he was pleased to call facts was never able to arouse in him the scruples of Dickens' toymaker who said that, as a builder of Noah's arks, it did hurt his conscience to make "the flies and the elephants all the same size."

The minute and malevolent details thus expanded by Drumann, without vivacity and without perspective, into a volume would never have impressed the world if they had not been so condensed and restated by Mommsen as to convert the picture in which "the audacious figure of the old orator stands out amidst the universal vacillation like a huge erratic boulder in the midst of a plain," into a caricature in which we see only a short-sighted politician, a swaggering egotist, a special-pleader, a weak-

Mommsen's
restatement.

²⁴ Sihler, *Cicero's Second Philippic*, p. xxxiii.

minded sophist and rhetorician beneath our contempt. To employ Mommsen's own words:

A typical
extract.

As a statesman without insight, opinion, or purpose, he figured successively as democrat, as aristocrat, and as a tool of the monarchs, and was never more than a short-sighted egotist. Where he exhibited the appearance of action, the questions to which his action applied had, as a rule, just reached their solution; thus he came forward in the trial of Verres against the senatorial *judicia* when they were already set aside; thus he was silent in the discussion on the Gabinian and acted as a champion of the Manilian law; thus he thundered against Catiline when his departure was already settled.²⁵

Influence of
Caesar
worship.

There can be no doubt that the same spirit of hatred against the immortal republican which envenomed Dio and Drumann inspired Mommsen's flagrant misrepresentations even of familiar facts; he was equally eager to assist in the degradation of Cicero because Caesar worship required it.²⁶ He was even willing to go so far in Caesar's cause as to denounce Pompey as a drill-sergeant and Cato as a semi-lunatic. An acute critic spoke the truth of him when he said:

Here we perceive the same pen that has just written down Cato a Don Quixote and Pompey a corporal. As in his studies of the past he always has the present in mind, one would say that he looks for the squireens of Prussia in the Roman aristocracy, and that in Caesar he salutes in advance that popular despot, whose firm hand can alone give unity to Germany.²⁷

The injury has been only to his own reputation. When

²⁵ *History of Rome*, vol. iv, pp. 724-25 of Dickson's translation, corresponding with vol. iii of the original.

²⁶ "I have already protested against the outrage which Mommsen has committed on the fair fame of Cicero. Like Marina in *Pericles*, *Prince of Tyre*, I have spoken holy words to the Lord Lysimachus—I have endeavored to vindicate by arguments the character of one whom I regard as a great and good man." — Tyrrell, *Cicero in His Letters*, pp. xv-xvi.

²⁷ Boisser, *Cicero and His Friends*, p. 23, Jones' trans.

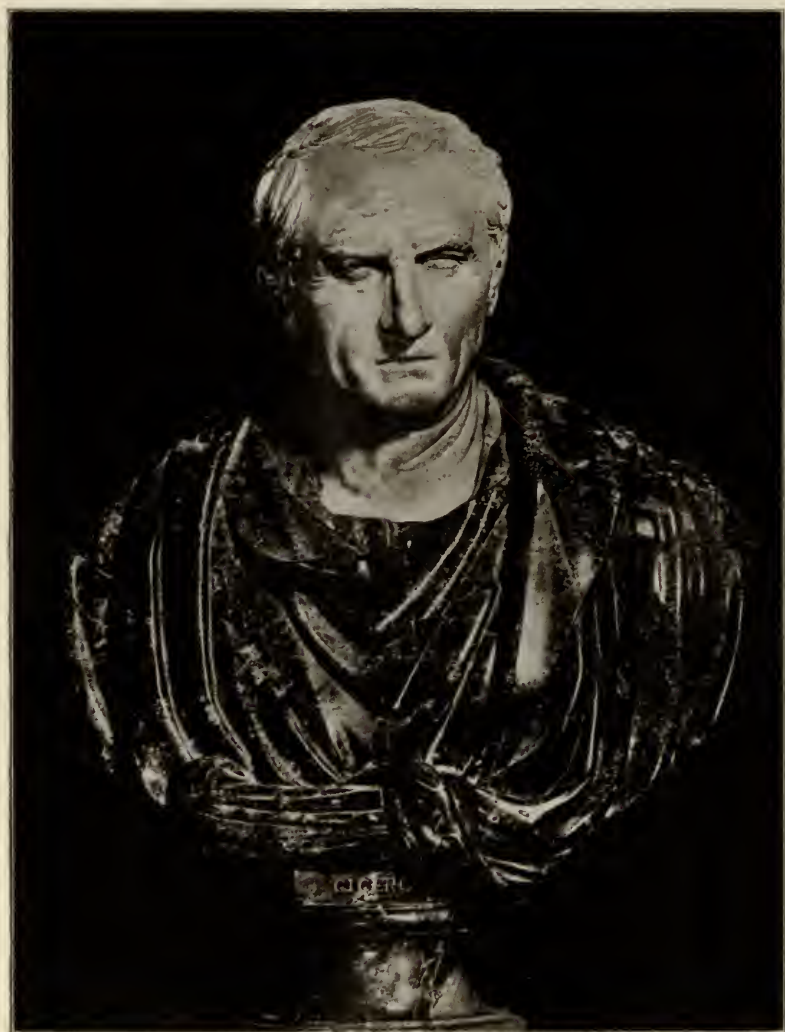
Mommsen, animated by a political rather than a literary motive, dashed himself against the adamant of Cicero's fame, he suffered just as Sir Walter Scott suffered when, animated by a like motive, he dashed himself against the fame of Napoleon. The effect of the assault of Mommsen upon the political character of Cicero is already a thing of the past. The moral and political epigrams of his first work, written when he was only thirty-seven, never accepted by Merivale, Freeman, Ritschl, L. von Ranke, and Ludwig Lange, have been rejected, generally with great emphasis, by such high authorities as Boissier, Zielinski, Max Schneidewin, Weissenfels, O. E. Schmidt, Herzog, Gardthausen, Forsyth, Tyrrell, and Sihler.²⁸

Effect of
Mommsen's
assault a
thing of the
past.

²⁸ Abeken (*Cicero in seinen Briefen*, Hannover, 1835) has treated Cicero fairly and humanely. In awarding praise and blame he has tried to act as a just and discriminating judge.



TOMB OF CICERO



CICERO. Uffizi Gallery.

THE SAYINGS OF CICERO

COLLECTED AND ARRANGED FOR THE
FIRST TIME AS AN

Anthology

By HANNIS TAYLOR

and

MARY LILLIE TAYLOR HUNT

Roma parentem,
Roma patrem patriae Ciceronem libera dixit.

—JUVENAL, *Satires*, viii, 243.

Rome, free Rome, hailed him with loud acclaim,
The father of his country—glorious name.

—GIFFORD.

Salve primus omnium parens patriae appellate.

—PLINY, *Hist. Nat.* vii, xxxi, 30.

Hail thou, who first among men was called the father of your country.

Et Cicero his, ut opinor, verbis refert, quidquid in eloquentia effecerit,
id se non rhetorum officinis, sed Academiae spatiis consecutum.

—TACITUS, *De Orat.*, xxxii.

Our own Cicero tells us too—I think in so many words—that anything
he accomplished as an orator he owed not to the workshops of the rhetori-
cians, but to the spacious precincts of the Academy.

Disertissime Romuli nepotum,
Quot sunt quotque fuere, Marce Tulli,
Quotque post aliis erunt in annis;
Gratias tibi maximas Catullus
Agit, pessimus omnium poeta,
Tanto pessimus omnium poeta
Quanto tu optimus omnium patronus.

—CATULLUS, xlix.

Tullius, of all the sons of royal Rome
That are, or have been, or are yet to come,
Most skilled to plead, most learned in debate—
Catullus hails thee, small as thou art great.
Take thou from him his thanks, his fond regards,
The first of patrons from the least of bards.

—J. E. S.

THE SAYINGS OF CICERO

ACADEMICA

Habeo opus magnum in manibus. I, 1.

Academica.

I have a great work in hand.

Doloris medicinam a philosophia peto. I, 3.

I look to philosophy to provide an antidote to sorrow.

Ob eam rem, se arbitrari, ab Apolline omnium sapientissimum esse dictum, quod haec esset una omnis sapientia, non arbitrari, sese scire, quod nesciat. I, 4.

For this cause he imagined that Socrates was called the wisest of men by Apollo, because all wisdom consists in this, not to think that we know what we do not know.

Non sus Minervam, ut ajunt. I, 4.

The sow should not teach Minerva, according to the proverb.

Quam vim animum esse dicunt mundi, eandemque esse mentem, sapientiamque perfectam, quem deum appellant. I, 7.

This force they call the soul of the world, and, looking on it as perfect in intelligence and wisdom, they call it their God.

Percontando a peritis. II, 1.

Constantly asking questions of experts.

Meo judicio est maxima in sensibus veritas, si et sani sunt, et valentes, et omnia remonentur, quae obstant, et impediunt. II, 7.

In my opinion there is the greatest truth in the senses, if they are sound and strong, and if all things are removed which oppose and impede them.

Academica. Multa vident pictores in umbris et in eminentia, quae nos non videmus. II, 7.

Painters see many things in shadows and in projections which we do not see.

Oculi pictura tenentur, aures cantibus. II, 7.

The eyes are charmed by paintings, the ears by music.

Ratio est quasi quaedam lux, lumenque vitae. II, 8.

Reason is as it were a light to lighten our steps and guide us through the journey of life.

Naturam accusa, quae in profundo veritatem, ut ait Democritus, penitus abstruserit. II, 10.

Accuse nature, who has completely hid, as Democritus says, truth in the bottom of a well.

Nihil est veritatis luce dulcius. II, 10.

Nothing is more delightful than the light of truth.

Videsne, ut in proverbio sit ovorum inter se similitudo? II, 18.

Like as two eggs, according to the proverb.

Ita enim finitima sunt falsa veris ut in praecipitem locum non debeat se sapiens committere. II, 21.

So close does falsehood approach to truth, that the wise man would do well not to trust himself on the narrow ledge.

Quid enim potest, cum existimet a deo se curari, non et dies et noctes divinum numen horrere? II, 38.

Who is there, when he thinks a god is taking care of him, shall not live day and night in awe of his divine majesty?

Est enim animorum, ingeniorumque naturale quoddam quasi pabulum, consideratio, contemplatioque naturae: erigimur; latiores fieri videmur; humana despiciamus: cogitantesque supera, atque coelestia, haec nostra, ut

exigua, et minima, contemnimus, indagatio ipsa rerum tum *Academica.* maximarum, tum etiam occultissimarum, habet oblectationem. II, 41.

When we are contemplating and pondering on the works of nature, we are supplying, as it were, its natural food to the mind; our thoughts assume a loftier character, and we learn to look down on what is human; while we meditate on the vault of heaven above, our own affairs appear petty and contemptible; our mind derives delight from what is so sublime and inscrutable.

Nam quae voluptate, quasi mercede aliqua, ad officium impellitur, ea non est virtus, sed fallax imitatio, simulatioque virtutis. II, 46.

It is not virtue, but a deceptive copy and imitation of virtue, when we are led to the performance of duty by pleasure as its recompense.

AD ATTICUM

Homo sine fuco et fallaciis. I, 1.

Ad Atticum.

A man without guile and deceit.

Illa concionalis hirudo aerarii, misera ac jejuna plebecula. I, 16.

The hungry and wretched proletarians, those city leeches that suck dry the public treasury.

In eo neque auctoritate neque gratia pugnat, sed quibus Philippus omnia castella expugnari posse dicebat, in quae modo asellus onustus auro posset ascendere. I, 16.

His weapons are neither authority nor popularity, but rather those referred to in the saying of Philip of Macedon, that no city was impregnable so long as it could be entered by an ass laden with gold.

Bellum est enim sua nitia nosse. II, 17.

It is a great thing to know our own vices.

Ad Atticum. Sermo in circulis et conviviis est liberior. II, 18.

Conversation in private meetings and dinner parties is more unreserved.

Ubi nihil erit quod scribas id ipsum scribito. IV, 8.

Even if you have nothing to write, write and say so.

Odi hominem et odero; utinam ulcisci possem! Sed illum ulciscuntur mores sui. IV, 12.

I hate, and shall continue to hate, the man; would that I could take vengeance on him! But his own shameless manners will be a sufficient punishment.

Clitellae bovi sunt impositae. V, 15.

The pack-saddle has been put on the ox.

Ubi est autem dignitas, nisi ubi honestas? VII, 11.

Where shall we find dignity without honesty?

Tanta malorum impendet 'Ιλιάς. VIII, 11.

We are threatened with a whole *Iliad* of misfortunes.

Semper me causae eventorum magis movent, quam ipsa eventa. IX, 5.

The causes of events always excite me more than the events themselves.

Acta ne agamus; reliqua paremus. IX, 6.

Let us not go over the old ground, but rather prepare for what is to come.

Aegroto, dum anima est, spes est. IX, 10.

While there is life, there is hope.

Omne consilium Themistocleum est: existimat enim, qui mare teneat, cum necesse rerum potiri. X, 8.

His plan is evidently that of Themistocles, for he thinks that he who gains the command of the sea must obtain supreme power.

In omni vita sua quemque a recta conscientia traversum *Ad Atticum.*
 unguem non oportet discedere. XIII, 20.

During the whole of our life we ought not to depart a nail's
 breadth from a pure conscience.

Lupus in fabula. XIII, 33.

The wolf in the fable.

Nemo unquam neque poeta neque orator fuit, qui quem-
 quam meliorem quam se arbitraretur. XIV, 20.

There has never yet been either a poet or an orator who did
 not consider himself the greatest in the world.

Aliquid crastinus dies ad cogitandum dabit. xv, 8.

Tomorrow will give something as food for thought.

Nemo doctus unquam mutationem consilii incon-
 stantiam dixit esse. XVI, 7.

No wise man has ever said that change of plan is inconstancy.

AD CORNELIUM NEPOTEM

Felicitas est fortuna, adjutrix consiliorum bonorum; *Ad*
 quibus qui non utitur, felix esse nullo pacto potest. Frag- *Cornelium*
 ment IV. *Nepotem.*

Success consists in good fortune, allied to good design; if the
 latter be wanting, success is altogether impossible.

AD FAMILIARES

Via juris ejusmodi est quibusdam in rebus, ut nihil sit loci *Ad*
 gratiae. I, 2. *Familiares.*

The path of law is of such a kind in some things that there is
 no room for favor.

Cum dignitate otium. I, 9. .

Ease with dignity.

*Ad
Familiares.*

Non idem semper dicere, sed idem semper spectare debemus. I, 9.

We are not bound always to hold the same language, but we are bound to be constant in our aims.

Epistolarum genera multa esse non ignoras: sed unum illud certissimum, cujus causâ inventa res ipsa est, ut certiores faceremus absentes, si quid esset, quod eos scire, aut nostra, aut ipsorum interesset. II, 4.

You are aware that there are many kinds of epistolary correspondence, but that alone is the most assured, for the sake of which it was invented — namely, to inform the absent, if there be anything which it is of importance that they should know, either about our affairs or their own.

Grave est enim homini pudenti, petere aliquid magnum ab eo, de quo se bene meritum putet: ne id, quod petat, exigere magis, quam rogare; et in mercedis potius, quam beneficii loco numerare videatur. . . . Est animi ingenui, cui multum debeas, eidem plurimum velle debere. II, 6.

It is annoying to a modest man to ask anything of value from one on whom he thinks that he has conferred a favor, lest he should seem to demand as a right rather than ask as a favor: and should appear to account it as a remuneration rather than a kindness. It is the feeling of a noble and liberal mind to be willing to owe much to the man to whom you already owe much.

Nemo est qui tibi sapientius suadere possit te ipso: numquam labere, si te audies. II, 7.

Nobody can give you wiser advice than yourself; you will never err if you listen to your own suggestions.

Nihil est, quod studio et benevolentia, vel amore potius, effici non possit. III, 9.

There is nothing which cannot be accomplished by affection and kindness, or perhaps, I should say, by love.

Quod exemplo fit, id etiam jure fieri putant. IV, 3.

Men think that they may justly do that for which they have a precedent.

Victoriae quae civilibus bellis semper est insolens. IV, 4. *Ad*

Spirit of insolence, which victory in all civil wars never fails to inspire. *Familiares.*

Nullus dolor est, quem non longinquitas temporis minuat, ac molliat. IV, 5.

There is no grief which time does not lessen and soften.

Neque imitare malos medicos, qui in alienis morbis profitentur tenere se medicinae scientiam, ipsi se curare non possunt. IV, 5.

Do not imitate those unskilful empirics, who pretend to cure other men's disorders, but are unable to find a remedy for their own.

Nos homunculi indignamur, si quis nostrum interiit aut occisus est, quorum vita brevior esse debet, quum

Uno loco tot oppidum cadavera
Projecta jacent?

IV, 5.

What right have we mannikins to be indignant at the death of one among us, either in his bed or on the battlefield, we whose life should of right be shorter, when

The corpses of full many a town
Lie prostrate on one site?

Nullus est locus domesticâ sede jucundior. IV, 8.

There is no place so delightful as one's own fireside.

Tempori cedere, id est necessitati parere, semper sapientis est habitum. IV, 9.

To yield to the times, that is, to obey necessity, has always been regarded as the act of a wise man.

Omnia sunt misera in bellis civilibus . . . sed miserius nihil, quam ipsa victoria: quae etiamsi ad meliores venit, tamen eos ipsos ferociores, impotentioresque reddit: ut, etiamsi naturâ tales non sint, necessitate esse cogantur; multa enim victori eorum arbitrio, per quos vicit, etiam invito, facienda sunt. IV, 9.

All civil wars are full of numberless calamities, but victory itself is more to be dreaded than anything else. For though it

*Ad
Familiares.*

should decide itself on the side of the more deserving, yet it will be apt to inspire even those with a spirit of insolence and cruelty, and though they be not so by inclination, they at least will be so by necessity. For the conqueror must, in many instances, find himself obliged to submit to the pressure of those who have assisted him in his conquest.

Nunc vero nec locus tibi ullus dulcior esse debet patria; nec eam diligere minus debes, quod deformior est, sed misereri potius. IV, 9.

No place should now be sweeter to you than your fatherland, nor should you love it less, but rather pity it more, because of its deformities.

Qui semel verecundiae fines transierit, eum bene et naviter oportet esse impudentem. V, 12.

When once a man has overstepped the bounds of modesty he may as well become thoroughly and frankly shameless.

Nihil est enim aptius ad delectationem lectoris, quam temporum varietates, fortunaeque vicissitudines: quae etsi nobis optabiles in experiendo non fuerunt, in legendo tamen erunt jucundae. Habet enim praeteriti doloris secura recordatio delectationem. V, 12.

There is nothing better calculated to delight your reader than the vicissitudes of fortune, and the changes which time brings with it: though, while we experienced them, they have seemed perhaps undesirable, yet we shall find pleasure in reading of them. It is delightful when in smooth water to recall the stormy times that are past.

Laudem sapientiae statuo esse maximam, non aliunde pendere, nec extrinsecus aut bene aut male vivendi suspensiones habere rationes. V, 13.

I regard the greatest praise of wisdom to be, that man should be self-dependent, and to have no doubts as to the proper method of living well or ill.

Saepissime et legi et audiui nihil mali esse in morte; in qua si resideat sensus, immortalitas illa potius quam mors ducenda sit; sin sit amissus, nulla videri miseria debeat quae non sentiatur. V, 16.

I have often read and heard that there is nothing evil in death; for, if there is a survival of consciousness, it must be considered immortality rather than death; while, if consciousness is destroyed, that can hardly be reckoned unhappiness, of which we are unconscious. *Ad Familiares.*

Plus tibi virtus tua dedit quam fortuna abstulit. V, 18.

Your virtue has given you more than fortune has taken from you.

Simus ea mente, quam ratio, et virtus praescribit, ut nihil in vita nobis praestandum praeter culpam, putemus: eaque cum careamus, omnia humana placate et moderate feramus. VI, 1.

Let us be of that opinion, which reason and virtue dictate, that we have nothing to guard against in life except crime; and when we are free from that, we may endure everything else with patience and moderation.

Suae quemque fortunae maxime poenitet. VI, 1.

Every man is dissatisfied with his own fortune.

Misera est illa enim consolatio, tali praesertim civi et viro, sed tamen necessaria, nihil esse praecipue cuiquam dolendum in eo, quod accidit universis. VI, 2.

'Tis a feeble consolation, especially to such a man and such a citizen, yet an inevitable one, that there is nothing specially deplorable in any individual having to meet the fate which is common to all mankind.

Levis est consolatio ex miseria aliorum. VI, 3.

The comfort derived from the misery of others is slight.

Conscientia rectae voluntatis maxima consolatio est rerum incommodarum: nec est ullum magnum malum, praeter culpam. VI, 4.

It is, indeed, the greatest consolation under adversity, to be conscious of having always meant well, and to be persuaded that nothing but guilt deserves to be considered as a severe evil.

Levat enim dolorem communis quasi legis, et humanae conditionis recordatio. VI, 6.

*Ad
Familiares.*

For to reflect on the misfortunes to which mankind in general are exposed, greatly contributes to alleviate the weight of those which we ourselves endure.

Vacare culpa magnum est solatium. VII, 3.

To be free from faults is a great comfort.

Rideamus γέλωτα Σαρδόνιον. VII, 25.

Let us laugh a Sardonic laugh.

Nihil est, mihi crede, virtute formosius, nihil pulchrius, nihil amabilius. IX, 14.

Nothing, believe me, is more beautiful than virtue; nothing more fair, nothing more lovely.

Non facile dijudicatur amor verus, et fictus, nisi aliquod incidat ejusmodi tempus, ut, quasi aurum igni, sic benevolentia fidelis periculo aliquo perspici possit: caetera sunt signa communia. IX, 16.

A pretended affection is not easily distinguished from a real one, unless in seasons of distress. For adversity is to friendship what fire is to gold — the only infallible test to discover the genuine from the counterfeit. In all other cases they both have the same common marks.

Tu, pro tua sapientia, debebis optare optima, cogitare difficillima, ferre quaecunque erunt. IX, 17.

You, with your wisdom, should aspire to what is noblest, meditate on what is most obscure, and welcome whatever the Fates allot you.

Placet Stoicis suo quamque rem nomine appellare. IX, 22.

The Stoics like to call everything by its right name.

Stultorum plena sunt omnia. IX, 22.

All places are replete with fools.

Omnia summa consecutus es, virtute duce, comite fortunâ. X, 3.

Thou hast attained the highest rank, with virtue leading the way and fortune attending thee.

Nihil ex omnibus rebus humanis est praeclarius aut praestantius quam de republica bene mereri. X, 5. Ad
Familiares.

Of all human things there is nothing more full of honor or better than to deserve well of one's country.

Ipse tibi sis senatus; quocumque te ratio reipublicae ducet, sequere. X, 16.

Be to yourself the Senate; wherever the wellbeing of the state points the path, follow there.

Culpa enim illa, *bis ad eundem*, vulgari reprehensa proverbio est. X, 20.

For to stumble twice against the same stone is a disgrace, you know, even to a proverb.

Nulla enim minantis auctoritas apud liberos est. XI, 3.

To the free and independent, the menaces of any man are perfectly impotent.

Bellorum civilium hi semper exitus sunt, ut non ea solum fiant, quae velit victor, sed etiam, ut iis mos gerendus sit, quibus adjutoribus sit parta victoria. XII, 18.

In civil wars these are always the results, that the conquered must not only submit to the will of the victor, but must obey those who have aided in obtaining the victory.

In omnibus novis conjunctionibus interest, qualis primus aditus sit, et qua commendatione quasi amicitiae fores aperiantur. XIII, 10.

In the formation of new friendships it is of importance to attend to the manner in which the approaches are made, and by whose means the avenues of friendship (if I may so express myself) are laid open.

Ea est enim profecto jucunda laus, quae ab iis proficiscitur, qui ipsi in laude vixerunt. XV, 6.

Praise is especially sweet when it comes from those whose own lives have been the subject of eulogy.

Laetus sum laudari me, inquit Hector, opinor apud Naevium, *abs te, pater, laudato viro*. XV, 6.

I am delighted to be praised by one who is praised by all the world.

*Ad
Familiares.*

Omnes tuos nervos in eo contendas. XV, 14.

Strain every nerve to gain your point.

Aliter scribimus, quod eos solos, quibus mittimus, aliter, quod multos lecturos putamus. XV, 21.

We write differently when we think that those only to whom we write will read our letters, and in a different style when our letters will be seen by many.

Nunquam sero te venisse putabo, si salvus veneris. XVI, 12.

I shall never think that you are late in arriving, provided you arrive safely.

AD QUINTUM FRATREM

*Ad Quintum
Fratrem.*

Maledicta et contumeliae cum abhorrent a literis, ab humanitate, tum vero contraria sunt imperio ac dignitati. I, 1.

While railing and abusive language are altogether unworthy of men of letters and of gentlemanly feeling, they are not less unsuitable to high rank and dignified behavior.

Multis enim simulationum involucris tegitur, et quasi velis quibusdam obtenditur uniuscujusque natura: frons, oculi, vultus persaepe mentiuntur; oratio vero saepissime. I, 1.

For every man's nature is concealed with many folds of disguise, and covered as it were with various veils. His brows, his eyes, and very often his countenance are deceitful, and his speech is most commonly a lie.

Nam ut quisque est vir optimus, ita difficillime esse alios improbos suspicatur. I, 1.

For the more virtuous any man is, the less easily does he suspect others to be vicious.

Ea molestissime ferre homines debent, quae ipsorum culpâ ferenda sunt. I, 1.

Men ought to bear with greatest difficulty those things which must be borne from their own fault.

Eorum qui futuri sunt, judicium est verius, obtreptatione et malevolentia liberatum. I, 1.

The judgment of those who come after us is truer, because it is freed from feelings of envy and malevolence.

Fallaces sunt permulti et leves, et diuturna servitute ad nimiam assentationem eruditi. I, 1 [of the Greeks]. *Ad Quintum Fratrem.*

They are for the most part deceitful and unstable, and from their long experience of subjection skilled in the art of flattery.

Iracundia cum in privata quotidianaque vita levis est animi atque infirmi, tum vero nihil est tam deforme quam ad summum imperium etiam acerbitatem naturae adjungere. II, 1.

While passionateness is the mark of a weak and silly mind in the daily intercourse of private life, so also there is nothing so out of place as to exhibit moroseness of temper in high command.

Quam se ipse amans sine rivali. III, 8.

How much in love with himself, and that without a rival.

AD QUIRITES

Tanquam bona valetudo jucundior est eis, qui e gravi morbo recreati, quam qui nunquam aegro corpore fuerunt; sic haec omnia desiderata magis quam assidue percepta delectant. I, 4. *Ad Quirites.*

Just as health is more delightful to those who have recovered from a severe illness than to those who have never been ill, so we take more pleasure in what we have long wanted than in what we are constantly obtaining.

BRUTUS DE CLARIS ORATORIBUS

Dicere enim bene nemo potest, nisi qui prudenter intelligit. VI. *Brutus De Claris Oratoribus.*

No one can speak well, unless he thoroughly understands his subject.

Pacis est comes otiique socia et jam bene constitutae civitatis quasi alumna quaedam eloquentia. XII.

Eloquence is the comrade of peace, the ally of leisure, and, in some sense, the foster child of a well-ordered state.

Ut enim hominis decus ingenium, sic ingenii ipsius lumen est eloquentia. XV.

As genius is man's brightest ornament, so it is eloquence that illuminates genius itself.

Brutus
De Claris
Oratoribus.

Proximus sed longo intervallo. XLVII.

Next, but at a long interval.

Magni interest quos quisque audiat quotide domi; quibuscum loquatur a puero, quemadmodum patres, paedagogi, matres etiam loquantur. LVIII.

It makes a great difference to whom we listen in our daily home life; with whom we have been accustomed to talk from boyhood upwards, and how our fathers, our tutors, and our mothers speak.

Et praeteritorum recordatio est acerba et acerbior expectationis reliquorum. Itaque omittamus lugere. LXXVI.

Sad are our memories of the past, and sadder still our anticipations of the future. Therefore let us banish mourning.

Quum honos sit praemium virtutis, iudicio studioque civium delatum ad aliquem, qui eum sententiis, qui suffragiis adeptus est, is mihi et honestus et honoratus videtur. LXXXI.

Since the reward of virtue is honor, bestowed on a man by the judgment and the good will of his fellow-citizens, I maintain that whoever has succeeded in gaining their good opinion and their suffrages is an honest and an honorable man.

DE AMICITIA

De Amicitia. Neque assentior iis, qui haec nuper dissere coeperunt, cum corporibus simul animos interire atque omnia morte deleri. Plus apud me antiquorum auctoritas valet, . . . qui dicebant animos hominum esse divinos, iisque, cum e corpore excessissent, reditum in coelum patere, optimoque et justissimo cuique expeditissimum. III, IV.

Nor am I able to agree with those who have begun to affirm that the soul dies with the body, and that all things are destroyed by death. I am more inclined to be of the opinion of those among the ancients, who used to maintain that the souls of men are divine, and when they leave the body they return to heaven, and those who are the most virtuous and upright have the most speedy entrance.

Cum propinquis amicitiam natura ipsa peperit: sed ea *De Amicitia*. non satis habet firmitatis. V.

Nature herself has produced friendship with relations, but it is never very stable.

Agamus, igitur, pingui, ut aiunt, Minerva. V.

Let us bring to bear our plain mother wit.

Hoc praestat amicitia propinquitati, quod ex propinquitate benevolentia tolli potest, ex amicitia non potest; sublata enim benevolentia, amicitiae nomen tollitur, propinquitatis manet. V.

Friendship has this advantage over kinship, that the latter may exist without good feeling, the former cannot; if there be no good feeling the very name of friendship vanishes, while that of kinship continues.

Qua quidem [*amicitia*] haud scio, an, excepta sapientia, quidquam melius homini sit a diis immortalibus datum. Divitias alii praeponunt, bonam alii valetudinem, alii potentiam, alii honores, multi etiam voluptates. Belluarum hoc quidem extremum est; illa autem superiora, caduca et incerta posita non tam in nostris consiliis, quam in fortunae temeritate. Qui autem in virtute summum bonum ponunt, praeclare illi quidem: sed haec ipsa virtus amicitiam et gignit, et continet: nec sine virtute amicitia esse ullo pacto potest. VI.

If we except wisdom, I know not if the immortal gods have bestowed so excellent a gift on mankind, as friendship. Some give the preference to riches, some to health, some to power, others to honors, and not a few to pleasures. This last, indeed, constitutes the happiness of brutes; and even the former are frail and uncertain, depending, not so much on our own prudence, as on the caprice of fortune. Those, on the other hand, who place their chief happiness in virtue act an excellent part: but then this virtue begets and maintains friendship; which, without it, could by no means subsist.

Secundas res splendidiore facit amicitia et adversas paritens communicansque leviores. VI.

Friendship throws a greater luster on prosperity, while it lightens adversity by sharing in its griefs and anxieties.

De Amicitia. Est autem amicitia nihil aliud, nisi omnium divinarum, humanarumque rerum cum benevolentia, et caritate summa consensio: qua quidem haud scio, an, excepta sapientia, quidquam melius homini sit a diis immortalibus datum. VI.

Friendship only truly exists where men harmonize in their views of things human and divine, accompanied with the greatest love and esteem; I know not whether, with the exception of wisdom, the gods have given us anything better.

Quocirca et absentes adsunt, et egentes abundant, et imbecilles valent, et, quod difficilius dictu est, mortui vivunt. VII.

For in this way we may say that the absent are present, the needy have abundance, the weak are in health, and, what may seem absurd, the dead are alive.

Quae enim domus tam stabilis, quae tam firma civitas est, quae non odiis atque dissidiis funditus possit everti? VII.

There is no house so strong, no state so firmly established, that it may not be levelled to the ground by internal hatreds and dissensions.

Verum enim amicum qui intuetur, tanquam exemplar aliquod intuetur sui. Quocirca et absentes adsunt, et egentes abundant, et imbecilli valent et, quod difficilius dictu est, mortui vivunt: tantus eos honos, memoria, desiderium prosequitur amicorum. VII.

He who looks upon a true friend looks upon a sort of copy of himself. Wherefore the absent are present, the poor are rich, the sick are made whole and, more difficult still, the dead live; so far are they followed by the respect, the memory, the yearning affection of their friends.

Nulla est igitur excusatio peccati, si amici causa peccaveris. XI.

It is no excuse for sin that we sinned for a friend's sake.

Haec igitur prima lex amicitiae sancitur, ut ab amicis honesta petamus, amicorum causa honesta faciamus. XIII.

Let this, therefore, be established as a primary law of friendship, that we expect from our friends only what is honorable and for our friends' sake, do what is honorable.

Ergo hoc proprium est animi bene constituti, et laetari bonis rebus et dolere contrariis. XIII. *De Amicitia.*

This is the evidence of a well-trained mind, that it delights in what is good and recoils instinctively from what is bad?

Solem enim e mundo tollere videntur qui amicitiam e vita tollunt. XIII.

Robbing life of friendship is like robbing the world of the sun.

Non enim solum ipsa fortuna caeca est, sed eos etiam plerumque efficit caecos, quos complexa est. Itaque efferruntur illi fere fastidio, et contumacia: neque quidquam insipiente fortunato intolerabilius fieri potest. Atque hoc quidem videre licet, eos, qui antea commodis fuerunt moribus, imperio, potestate, prosperis rebus immutari, spernique ab iis veteres amicitias, indulgeri novis. XV.

For not only is Fortune herself blind, but she generally causes those men to be blind whose interests she has more particularly embraced. Therefore they are often haughty and arrogant; nor is there anything more intolerable than a prosperous fool. And hence we often see that men, who were at one time affable and agreeable, are completely changed by prosperity, despising their old friends, and clinging to new.

Negabat ullam vocem inimiciorem amicitiae potuisse reperiri, quam ejus, qui dixisset, ita amare oportere, ut si aliquando esset osurus. XVI.

He used to maintain that there was no maxim more at variance with friendship than that of the man who said, "that we ought always to indulge in love as if we might one day hate."

Ennius recte: *Amicus certus in re incerta cernitur.* XVII.

Ennius has well remarked, "that a real friend is known in adversity."

Nec vero negligenda est fama, nec mediocre telum ad res gerendas existimare oportet benevolentiam civium, quam blanditiis et assentando colligere turpe est; virtus, quam sequitur caritas, minime repudianda est. XVII.

Popularity indeed, if purchased at the expense of base condescension to vice, is a disgrace to the possessor, but when it is the natural result of praiseworthy action, it is an acquisition which no wise man will despise.

De Amicitia. Aperte enim vel odisse, magis ingenui est, quam fronte occultare sententiam. XVIII.

Open and avowed hatred far more becomes a man of straightforward character than concealing his sentiments with a smooth brow.

Vulgo dicitur multos modios salis simul edendos esse, ut amicitiae munus expletum sit. XIX.

It is a common proverb that many bushels of salt must be eaten together, before the duties due to friendship can be fulfilled.

Maxima est enim vis vetustatis et consuetudinis. XIX.

Great is the power of antiquity and of custom.

Odiosum sane genus hominum, officia exprobrantium: quae meminisse debet is, in quem collata sunt, non commemorare, qui contulit. XX.

That is a detestable race of men who are always raking up kindnesses conferred; he who has received them ought to have them on his memory, and not the man who has conferred them.

Quod nisi idem in amicitiam transferatur, verus amicus numquam reperietur; est enim is quidem tamquam alter idem. XXI.

Unless this idea be adopted in friendship, a true friend will never be found; for he is like a second self.

Rarum genus (et quidem omnia praeclara rara) nec quidquam difficilius, quam reperire, quod sit omni ex parte in suo genere perfectum. XXI.

A kind of men, few and far between (all good things are rare), for there is nothing more difficult to find than perfection.

Plerique neque in rebus humanis quidquam bonum norunt, nisi quod fructuosum sit, et amicos, tanquam pecudes, eos potissimum diligunt, ex quibus sperant se maximum fructum esse capturos. XXI.

In the affairs of this world many men recognize nothing as good, unless it is also profitable, and value their friends as they do their live stock, proportionately to their expectation of making a profit out of them.

Maximum ornamentum amicitiae tollit, qui ex ea tollit *De Amicitia*. verecundiam. XXII.

He takes the greatest ornament from friendship, who takes modesty from it.

Virtutum amicitia adjutrix a natura data est, non vitiorum comes. XXII.

Friendship was appointed by nature as an aid to the virtues, not as a companion of vice.

Praeposteris enim utimur consiliis, et acta agimus, quod vetamur veteri proverbio. XXII.

For this is a preposterous idea, and we do over that which has been done, which we are prohibited to do by the ancient proverb.

A Tarentino Archyta: "Si quis in coelum ascendisset, naturamque mundi, et pulchritudinem siderum perspexisset, insuavem illam admirationem ei fore; quae jucundissima fuisset, si aliquem, cui narraret, habuisset." XXIII.

If a man could mount to heaven and survey the mighty universe with all the planetary orbs, his admiration of their beauties would be much diminished, unless he had someone to share in his pleasure.

Illud Catonis: "Melius de quibusdam acerbos inimicos mereri, quam eos amicos, qui dulces videantur: illos verum saepe dicere, hos numquam." XXIV.

Bitter and unrelenting enemies often deserve better of us than those friends whom we are inclined to regard as pleasant companions; the former often tell us the truth, the latter never.

Assentatio, vitiorum adjutrix, procul amoveatur. XXIV.

Let flattery, the handmaid of vices, be far removed from friendship.

Molesta veritas est, si quidem ex ea nascitur odium, quod est venenum amicitiae; sed obsequium multo molestius, quod peccatis indulgens praecipitem amicum ferri sinit. XXIV.

Truth is grievous indeed, if it gives birth to ill-feeling which poisons friendship; but more grievous still is the complaisance which, by passing over a friend's faults, permits him to drift headlong to destruction.

De Amicitia. Cujus autem aures veritati clausae sunt, ut ab amico verum audire nequeat, hujus salus desperanda est. XXIV.

When a man's ears are so closed to the truth that he will not listen to it even from a friend, his condition is desperate.

Virtute enim ipsa non tam multi praediti esse, quam videri volunt. XXVI.

The fact is, there are not so many possessed of virtue itself as wish to appear its possessor.

Vivit tamen semperque vivet; virtutem enim amavi illius viri, quae exstincta non est. XXVII.

He lives and shall forever live; for it was his virtues that endeared him to me, and they can never die.

Equidem ex omnibus rebus, quas mihi aut fortuna aut natura tribuit, nihil habeo, quod cum amicitia Scipionis possim comparare. In hac mihi de re publica consensus, in hac rerum privatarum consilium, in eadem requies plena oblectationis fuit. Numquam illum ne minima quidem re offendi, quod quidem senserim; nihil audiivi ex eo ipse, quod nollem. XXVII.

Of all the blessings which fortune or nature has bestowed upon me, I have nothing that compares with the friendship of Scipio. I have found it a companion in all public affairs, a counsellor in private, and always a source of the truest satisfaction. I am not conscious of ever having given him the slightest offense; and, surely I never heard a word from his lips which I had cause to wish he had not uttered.

Vos autem hortor ut ita virtutem locetis, sine qua amicitia esse non potest, ut ea excepta nihil amicitia praestabilius putetis. XXVII.

I entreat you to remember that there can be no true friendship that is not founded on virtuous principles, nor any acquisition, virtue only excepted, that is preferable to friendship.

DE DIVINATIONE

De Divinatione. Jacet enim corpus dormientis ut mortui; viget autem et vivit animus. I, 30.

The body of the sleeper lies as though dead; but his mind lives and flourishes.

Negat sine furore Democritus quemquam poëtam magnum esse posse. I, 37. *De Divinatione.*

Democritus maintains that there can be no great poet without a spice of madness.

Affert vetustas omnibus in rebus longinquâ observatione incredibilem scientiam. I, 49.

A long course of careful observations, conducted for a length of time, brings with it an incredible accuracy of knowledge.

Certis rebus certa signa praecurrunt. I, 52.

Certain signs precede certain events.

Quod cum ita sit, nihil est factum, quod non futurum fuerit, eodemque modo nihil est futurum, cujus non causas id ipsum efficientes, natura continet. I, 55.

Since this is so, nothing has ever happened which has not been predestinated, and in the same way nothing will ever occur, the predisposing causes for which may not be found in nature.

“Qui sibi semitam non sapiunt, alteri monstrant viam;
Quibu’ divitias pollicentur, ab iis drachmam ipsi petunt.”
[Ennius, quoted by Cicero] I, 58.

Though they know not the path, they’ll point the way to others;
They’ll promise wealth, and then they’ll beg a trifling loan.

“Non habeo denique nauci Marsum augurem,
Non vicanos haruspices, non de circo astrologos,
Non Isiacos conjectores, non interpretes somniûm,
Non enim sunt ii scientia, aut arte divini,
Sed superstitiosi vates, impudentesque harioli.
Aut inertes, aut insani, aut quibus egestas imperat:
Qui sibi semitam non sapiunt, alteri monstrant viam:
Quibu’ divitias pollicentur, ab iis drachmam ipsi petunt.
De his divitiis sibi deducant drachmam, reddant cetera.”
[Ennius, quoted by Cicero] I, 58.

In short, I care nothing for the Marsian augurs, nor the village haruspices, nor strolling astrologers, nor for the gipsy priests of Isis, nor for the interpreters of dreams; for these possess neither science nor art, but are superstitious priests and impudent impostors. They are either lazy or mad, or act to gain a livelihood; knowing not the right path themselves, they pretend to show it to others, promising riches to gain a penny.

*De
Divinatione.*

Quod enim munus reipublicae afferre majus, meliusve possumus, quam si docemus, atque erudimus juventutem. II, 2.

What nobler employment, or [what] more advantageous to the state, than that of the man who instructs the rising generation!

Bene qui conjiciet, vatem hunc perhibebo optimum. II, 5.

The best guesser I shall always call the most sagacious prophet.

Nihil enim est tam contrarium rationi et constantiae quam fortuna. II, 7.

Nothing is so unreasonable and inconsistent as fortune.

Atque ego ne utilem quidem arbitror esse nobis futurarum rerum scientiam. Quae enim vita fuisset Priamo, si ab adolescentia scisset, quos eventus senectutis esset habiturus! II, 9.

For my own part, I can never believe that a knowledge of future events would be of advantage to us; for what a miserable life Priam would have led, had he known the occurrences that were to befall him in his old age!

Quod est ante pedes, nemo spectat: coeli scrutantur plagas. II, 13.

Nobody looks at what is immediately before them; we are all employed in gazing at the stars.

Etsi causae non reperiuntur istarum rerum, res tamen ipsae observari, animadvertique potuerunt. II, 21.

Though it be impossible to discover the occult causes of natural phenomena, still it is well to observe and animadvert upon the facts themselves.

Quod crebo videt, non miratur, etiam si, cur fiat, nescit. Quod ante non vidit; id si evenerit, ostentum esse censet. II, 22.

A man is not surprised at what he sees frequently, even though he be ignorant of the reason; whereas if that which he never beheld before happens, then he calls it a prodigy.

Causarum ignoratio in re nova mirationem facit. II, 22.

In extraordinary events ignorance of their causes produces astonishment.

Eumque terrorem, quem tibi rei novitas attulerit, naturae ratione depellito. II, 28. *De Divinatione.*

Drive away by the principles of nature that terror which may have been caused by the strangeness of the event.

Nihil fieri sine causa potest, nec quicquam fit quod fieri non potest. Nec si id factum est, quod fieri potuit, portentum debet videri. Nulla igitur portenta sunt. II, 28.

Nothing can be done without a cause, nor has anything been done which cannot again be done. Nor, if that has been done which could be done, ought it to be regarded as a prodigy. There are, therefore, no prodigies.

Nihil debet esse in philosophia commentitiis fabellis loci. II, 38.

There should be no place in philosophy for fanciful stories.

Quotusquisque est qui voluptatem neget esse bonum? plerique etiam summum bonum dicunt. II, 39.

How many people are there who deny that pleasure is a good? Some even call it the highest good.

Nihil est quod deus efficere non possit. II, 41.

There is nothing which God cannot accomplish.

Facile princeps. II, 42.

Easily first.

Non enim omnis error stultitia est dicenda. II, 43.

We must not say that every mistake is a foolish one.

Ex falsis, ut ab ipsis didicimus, verum effici non potest. II, 51.

From the false, as they themselves have taught us, we can obtain nothing true.

Quid est tam incertum quam talorum jactus? tamen, nemo est quin, saepe jactans, Venerium jaciat aliquando, nonnunquam etiam iterum et tertium. II, 59.

What is more uncertain than the fall of the dice? Yet everyone will occasionally throw the double six, if he throws often enough; nay, sometimes even twice or thrice running.

De Divinatione. Nec enim ignorare deus potest, quâ mente quisque sit. II, 60.

God cannot be ignorant of the character of man.

Esse praestantem aliquam, aeternamque naturam, et eam suspiciendam, admirandamque hominum generi, pulchritudo mundi, ordoque rerum coelestium cogit confiteri. II, 72.

The beauty of the world and the orderly arrangement of everything celestial makes us confess that there is an excellent and eternal nature, which ought to be worshipped and admired by all mankind.

Nec vero superstitione tollenda religio tollitur. II, 72.

We do not destroy religion by destroying superstition.

DE FINIBUS

De Finibus. Nec modus est ullus investigandi veri, nisi inveneris: et quaerendi defatigatio turpis est, quum id quod quaeritur sit pulcherrimum. I, 1.

There should be no end to the search for truth, other than the finding of it; it is disgraceful to grow weary of seeking when the object of your search is so beautiful.

Doloris omnis privatio recte nominata est voluptas. I, 11.

What we call pleasure, and rightly so, is the absence of all pain.

Ignoratione rerum bonarum, et malarum, maxime hominum vita vexatur. I, 13.

Through ignorance of what is good and what is bad, the life of man is greatly perplexed.

Aequo animo e vita, quum ea non placeat, tanquam e theatro, exeamus. I, 15.

If life is distasteful to us, let us leave it as calmly as though we were leaving the theatre.

Accedit etiam mors, quae, quasi saxum Tantalo, semper impendet: tum superstitio, qua qui est imbutus, quietus esse nunquam potest. I, 18.

Death approaches, which is always impending over us, like the stone over Tantalus; then comes superstition, and he who is racked with it can never have peace of mind. *De Finibus.*

Omnium rerum natura cognita, levamur superstitione, liberamur mortis metu, non conturbamur ignoratione rerum, e qua ipsa horribiles existunt saepe formidines. I, 19.

When we know the nature of all things, we are relieved from superstition, freed from the fear of death, and not disturbed by ignorance of circumstances, from which often arise fearful terrors.

Gravissimae sunt ad beate vivendum breviter enuntiatae sententiae. II, 7.

Terse sentences, briefly expressed, have great weight in leading to a happy life.

Homo ad duas res, ad intelligendum et ad agendum, est natus. II, 13.

Man has been born for two things—thinking and acting.

Natura cupiditatem ingenuit homini veri videndi. II, 14.

Nature has inspired man with the desire of seeing the truth.

Quam illa ardentes amores excitaret sui, si videretur! II, 16.

What fervent love of herself would Virtue excite if she could be seen!

Est pecunia effectrix multarum voluptatum. II, 17.

Money is the creator of many pleasures.

Temperantia est moderatio cupiditatum rationi obediens. II, 19.

Temperance is the moderating of one's desires in obedience to reason.

Officii fructus sit ipsum officium. II, 22.

Let the reward of duty be duty itself.

In omni arte, quavis scientia, vel in ipsa virtute, optimum quidque rarissimum est. II, 25.

In every art, science, and we may say even in virtue itself, the best is most rarely to be found.

De Finibus. Sapientem locupletat ipsa Natura. II, 28.

Nature herself makes the wise man rich.

An id exploratum cuiquam potest esse, quomodo sese habiturum sit corpus, non dico ad annum, sed ad vesperam? II, 28.

Can anyone find out how his body shall be, I do not say a year hence, but even at evening?

Socratem audio dicentem, cibi condimentum esse famem, potionis sitim. II, 28.

I hear Socrates saying that the best seasoning for food is hunger, for drink, thirst.

Facta ejus cum dictis discrepant. II, 30.

His deeds do not agree with his words.

Vulgo enim dicitur, *Jucundi acti labores*: nec male Euripides: concludam, si potero, Latine: Graecum enim hunc versum nostis omnes: *Suavis laborum est praeteritorum memoria*. II, 32.

It is generally said, "Past labors are pleasant." Euripides says, for you all know the Greek verse, "The recollection of past labors is pleasant."

Jucundi acti labores. II, 32.

Delightful are past labors.

Maximas vero virtutes jacere omnes necesse est, voluptate dominante. II, 35.

All the greatest virtues must lie dormant where pleasure holds sway.

Quis non odit sordidos, vanos, leves, futiles? III, 11.

Who does not hate the mean, the vain, the fickle, and the trifling?

Nihil est enim de quo minus dubitari possit, quam et honesta expetenda per se, et eodem modo turpia per se esse fugienda. III, 11.

There is nothing about which we can have less doubt than *De Finibus*. that good is to be sought for its own sake, and evil for its own sake to be avoided.

Nec vero pietas adversus deos, nec quanta his gratia debeatur, sine explicatione naturae intelligi potest. III, 22.

It is not possible to understand the meaning of reverence for the gods, nor how great a debt of gratitude we owe them, unless we turn to nature for an explanation.

Rectius enim (sapiens) appellabitur rex quam Tarquinius, qui nec se nec suos regere potuit. III, 22.

The wise man better deserves the title of king than Tarquinius, who could not rule either himself or his people.

Nati sumus ad congregationem hominum et ad societatem communitatemque generis humani. IV, 2.

We have been born to unite with our fellow-men, and to join the community of the human race.

Sed positum sit primum nosmet ipsos commendatos esse nobis, primamque ex natura hanc habere appetitionem, ut conservemus nosmet ipsos. IV, 10.

Let it first be granted that we are given in charge to ourselves, and that the first thing we receive from nature is the instinct of self-preservation.

Animi cultus ille erat ei quasi quidem humanitatis cibus. V, 19.

This mental culture was as it were food to his higher nature.

Nec voluptatem requirentes, nec fugientes laborem. V, 20.

Neither seeking pleasure nor avoiding toil.

Omnium rerum principia parva sunt. V, 21.

The beginnings of all things are small.

Iustitia in suo cuique tribuendo cernitur. V, 23.

Justice is seen in giving every one his own.

Consuetudine quasi alteram quandam naturam effici. V, 25.

Habit produces a kind of second nature.

DE HARUSPICUM RESPONSIS

*De
Haruspicum
Responsis.*

Deorum tela in impiorum mentibus figuntur. XVIII.

The darts of the gods are fixed in the minds of the wicked.

A diis quidem immortalibus quae potest homini major esse poena, furore atque dementia? XVIII.

What greater punishment can the immortal gods inflict on man than madness or insanity?

Popularis aura. XX.

The breeze of popular favor.

Neque enim ullus alius discordiarum solet esse exitus, inter claros et potentes viros, nisi aut universus interitus, aut victoris dominatus, aut regnum. XXV.

When men of eminence and power are driven to take up arms against each other, one of two things is certain to happen: either both parties are completely annihilated, or the victor becomes master and sovereign of the state.

Nostrae nobis sunt inter nos irae discordiaeque placandae. XXVIII.

Our anger and quarrels must be put away.

Haec deorum immortalium vox, haec paene oratio iudicanda est, cum ipse mundus, cum aër atque terrae, motu quodam novo contremiscunt et inusitato aliquid sono incredibilique praedicunt. XXVIII.

This ought almost to be regarded as the voice and the words of the immortal gods, when the globe itself, the air and the earth, shake with an unusual agitation and prophesy to us in accents that we have never before heard and which seem incredible.

DE IMPERIO CN. POMPEII

*De Imperio
Cn. Pompeii.*

Ego enim sic existimo, in summo imperatore quattuor haberes inesse oportere, scientiam rei militaris, virtutem, auctoritatem, felicitatem. X, 28.

In my opinion there are four qualifications necessary for a very great general: skill in his profession, courage, authority, and luck

DE LEGE AGRARIA

Non ingenerantur hominibus mores tam a stirpe generis ac seminis, quam ex iis rebus, quae ab ipsa natura loci, et a vitae consuetudine suppeditantur, quibus alimur et vivimus. II, 35. *De Lege Agraria.*

Men's characters and habits are not influenced so much by the peculiarities of family and race as by the physical features of their native land and their mode of life—things by which we are supported and by which we live.

Singularis homo, privatus, nisi magna sapientia praeditus, vix facile sese regionibus officii, magnis in fortunis et copiis continet. II, 35.

An individual in a private station, unless he be endued with great wisdom, cannot confine himself in due bounds if he reach high fortune and wealth.

DE LEGIBUS

Potius ignoratio juris litigiosa est quam scientia. I, 6. *De Legibus.*

The litigious spirit is more often found with ignorance than with knowledge of law.

Lex est ratio summa, insita in natura, quae jubet ea quae facienda sunt prohibetque contraria. I, 6.

Law is the highest expression of the system of nature, which ordains what is right and forbids what is wrong.

Animal hoc providum, sagax, multiplex, acutum, memor, plenum rationis et consilii, quem vocamus hominem, praeclarâ quâdam conditione generatum est a supremo Deo. Solum est enim ex tot animantium generibus, atque naturis, particeps rationis, et cogitationis, cum cetera sint omnia expertia. Quid est autem, non dicam in homine, sed in omni coelo, atque terra, ratione divinius? quae cum adolevit, atque perfecta est, nominatur rite sapientia. I, 7.

This provident, sagacious, versatile, subtle, thoughtful, rational, wise animal, which we call man, has been created by the supreme

De Legibus. God with a certain noble privilege; for he alone of so many different kinds and sorts of animals is partaker of reason and reflection, when all others are destitute of them. But what is there, I will not say in man, but in all heaven and earth, more divine than reason? which, when it has arrived at maturity, is properly termed wisdom.

Universus hic mundus una civitas communis deorum atque hominum existimanda. I, 7.

The whole world is to be regarded as a state, of which the citizens are gods and men.

Itaque ex tot generibus nullum est animal, praeter hominem, quod habeat notitiam aliquam Dei: ipsisque in hominibus nulla gens est neque tam immansueta neque tam fera, quae non, etiam si ignoret, qualem habere Deum deceat, tamen habendum sciat. Ex quo efficitur illud, ut is agnoscat Deum, qui, unde ortus sit, quasi recordetur, ac noscat. I, 8.

Therefore, of all kinds of animals there is none except man that has knowledge of a God; among men there is not a nation so savage and brutish which, though it may not know what kind of a being God ought to be, does not know that there must be one. From this we may infer that, whoever, as it were, recollects and knows whence he is sprung, acknowledges the existence of a God.

Natura solum hominem erexit, ad coelique quasi cognitionis, domiciliique pristini conspectum excitavit. I, 9.

Nature has bestowed on man alone an erect stature and raised his thoughts to the contemplation of heaven, as if it were connected with him by relationship and his ancient home.

Tanta autem est corruptela malae consuetudinis, ut ab ea tamquam igniculi extinguantur a natura dati, exorianturque, et confirmentur vitia contraria. I, 12.

There is in fact such corruption engendered in man by bad habits, that the sparks, as it were, of virtue, furnished by nature, are extinguished, and vices of an opposite kind spring up around him and become strengthened.

Nihilo sese plus quam alterum homo diligit. I, 12.

Let not man love himself more than his neighbor.

Insectantur furiae, non ardentibus taedis, sicut in fabulis, *De Legibus.*
sed angore conscientiae, fraudisque cruciatu. I, 14.

The furies pursue men, not with burning torches, as the poets feign, but with remorse of conscience and the tortures arising from guilt.

Justitia est obtemperatio scriptis legibus. I, 15.

Justice is obedience to the written laws.

Ipsium enim bonum non est opinionibus, sed natura. I, 17.

The absolute good is not a matter of opinion but of nature.

Nam qui se ipse norit, primum aliquid sentiet se habere divinum, ingeniumque in se suum, sicut simulacrum aliquod, dedicatum putabit; tantoque munere deorum semper dignum aliquid et faciet, et sentiet: et, cum se ipse perspexerit, totumque tentarit, intelliget, quemadmodum a natura subornatus in vitam venerit, quantaque instrumenta habeat ad obtinendam, adipiscendamque sapientiam. I, 22.

For whoever is acquainted with his own mind will, in the first place, feel that he has a divine principle within him, and will regard his rational faculties as something sacred and holy; he will always both think and act in a way worthy of so great a gift of the gods; and when he shall have proved and thoroughly examined himself, he will perceive how well furnished by nature he has come into life, and what noble instruments he possesses to obtain and secure wisdom.

Movemur nescio quo pacto locis ipsis, in quibus eorum quos diligimus aut admiramus adsunt vestigia. II, 2.

We are moved, I know not how, by the spots in which we find traces of those who possess our esteem and admiration.

A diis immortalibus sunt nobis agendi capienda primordia. II, 3.

We must begin our acts with a prayer to the immortal gods.

Erat enim ratio profecta a rerum natura, et ad recte faciendum impellens, et a delicto avocans: quae non tum denique incipit lex esse, cum scripta est, sed tum, cum orta est. Orta autem simul est cum mente divinâ. Quamobrem, lex vera, atque princeps, apta ad jubendum, et ad vetandum, ratio summi Jovis. II, 4.

De Legibus.

For it was reason, derived from the nature of things, impelling man to what is right, and deterring him from what is wrong, which does not then begin to be law, when it is found written down in books, but was so from the first moment of its existence. It was co-eternal with the divine mind, wherefore true and ultimate law fitted to direct as well as to forbid is the mind of the Supreme Being.

Hanc igitur video sapientissimorum fuisse sententiam, legem neque hominum ingeniis excogitatam, nec scitum aliquod esse populorum, sed aeternum quiddam, quod universum mundum regeret, imperandi prohibendique sapientia. Ita principem legem illam, et ultimam, mentem esse dicebant, omnia ratione aut cogentis, aut vetantis dei: ex qua illa lex, quam dii humano generi dederunt, recte est laudata. Est enim ratio, mensque sapientis, ad jubendum, et ad deterrendum idonea. II, 4.

I see, therefore, that this has been the idea of the wisest, that law has not been devised by the ingenuity of man, nor yet is it a mere decree of the people, but an eternal principle which must direct the whole universe, directing and forbidding everything with entire wisdom. Thus they used to say that the mind of the divinity was the real and ultimate law which orders or forbids everything justly; hence that law which the gods have assigned to mankind is justly deserving praise, for it is the reason and mind of a wise being well fitted to direct or forbid.

Lex, justorum injustorumque distinctio, ad illam antiquissimam, et rerum omnium principem expressa naturam, ad quam leges hominum diriguntur, quae supplicio improbos afficiunt, defendunt ac tuentur bonos. II, 5.

Law, therefore, is what distinguishes right and wrong, derived from nature herself, the most ancient principle of all things, to which the laws of men direct themselves, when they impose penalties on the wicked, and protect and defend the good.

Qualis quisque sit, qua mente, qua pietate colat religiones, intueri deos piorumque et impiorum habere rationem. II, 7.

The gods know what sort of a person everyone really is; they take notice with what feelings and with what piety he attends to his religious duties, and are sure to make a distinction between the good and the wicked.

Animi labes nec diuturnitate vanescere nec amnibus ullis elui potest. II, 10. *De Legibus.*

The stains that affect the mind cannot be got rid of by time, nor yet can the multitudinous waters of the sea wash them away.

Illud bene dictum est a Pythagora, doctissimo viro, tum maxime, et pietatem, et religionem versari in animis, cum rebus divinis operam daremus. II, 11.

That is a noble sentence of Pythagoras—"Then chiefly do piety and religion flourish in our souls, when we are occupied in divine services."

Donis impii ne placare audeant deos, Platonem audiant, qui vetat dubitare, qua sit mente futurus Deus, cum vir nemo bonus ab improbo se donari velit. II, 16.

Let the impious listen to Plato, that they may not dare to propitiate the gods with gifts, for he forbids us to doubt what feelings God must entertain towards such, whenever a good man is unwilling to accept gifts from the wicked.

Nam non solum scire aliquid, artis est, sed quaedam ars etiam docendi. II, 19.

For not only is art shown in knowing a thing, but there is also a certain art in teaching it.

Vere dici potest, magistratum legem esse loquentem; legem autem, mutum magistratum. III, 1.

It may truly be said that the magistrate is a speaking law, and the law is a silent magistrate.

Qui modeste paret, videtur, qui aliquando imperet, dignus esse. III, 2.

He who obeys with modesty appears worthy of some day or other being allowed to command.

Sine magistratuum prudentia ac diligentia esse civitas non potest. III, 2.

A state cannot exist without the foresight and diligence of magistrates.

De Legibus.

"Salus populi suprema lex esto." (The Twelve Tables, quoted by Cicero) III, 3.

Let the good of the people be the paramount law.

Licet videre, qualescumque summi civitatis viri fuerunt, talem civitatem fuisse: quaecumque mutatio morum in principibus exstiterit, eandem in populo secuturam. III, 14.

Thou mayest plainly see that such as the chief men of the state have been, such also has been the character of the state; and whatever change of manners took place in the former, the same always followed in the latter.

Id haud paullo est verius quam quod Platoni nostro placet qui, musicorum cantibus, ait, mutatis, mutari civitatum status. III, 14.

This observation is much more certain than that of Plato, who pretends that a change in the songs of musicians is able to change the feelings and conditions of a state.

Nam ego in ista sum sententia, qua te fuisse semper scio, nihil ut fuerit in suffragiis voce melius. III, 15.

For I am of the same opinion as you have always been, that open, "viva voce" voting is the best method at elections.

Quamobrem suffraganda nimia libido in non bonis causis eripienda fuit potentibus, non latebra danda populo, in quâ, bonis ignorantibus, quid quisque sentiret, tabella vitiosum occultaret suffragium. Itaque isti rationi neque lator quisquam est inventus, nec auctor umquam bonus. III, 15.

Wherefore the powerful ought rather to have been deprived of their power of influencing votes for bad purposes, than that the ballot should have been conferred on the people, whereby corrupt votes are concealed, virtuous citizens being left in the dark as to the sentiments of each. Wherefore no good man has ever been found to bring forward or propose such a law.

Excitabat enim fluctus in simpulo. III, 16.

For he used to raise a storm in a teapot.

Nam brevitatis, non modo senatoris sed etiam oratoris, magna laus est in sententiâ. III, 18.

For brevity is the best recommendation of a speech, not only in the case of a senator, but in that, too, of an orator.

DE NATURA DEORUM

Haud scio an pietate adversus deos sublata, fides etiam *De Natura*
et societas generis humani et una excellentissima virtus, *Deorum.*
justitia tollatur. I, 2.

I am disposed to think that if reverence for the gods were destroyed, we should also lose honesty and the brotherhood of mankind, and that most excellent of all virtues, justice.

Nec vero probare soleo id, quod de Pythagoreis accepi-
mus: quos ferunt, si quid affirmarent in disputando, cum
ex iis quaereretur, quare ita esset, respondere solitos,
"ipse dixit;" "ipse" autem erat Pythagoras. I, 5.

Nor am I accustomed to approve of that which we have heard
about the Pythagoreans, who they say used to answer, when they
made an assertion in discussing a subject, if they were asked why
it was so, "He himself has said it." Now this "he" was
Pythagoras.

Non enim tam auctoritatis in disputando, quam rationis
momenta quaerenda sunt. I, 5.

We should in discussion rather seek force of argument than
of authority.

Non enim hominum interitu sententiae quoque occidunt,
sed lucem auctoris fortasse desiderant. I, 5.

A man's utterances do not die with him, but they lose, perhaps,
something of the brilliancy with which he endowed them.

In omnium animis deorum notionem impressit ipsa
natura. Quae est enim gens, aut quod genus hominum,
quod non habeat sine doctrina anticipationem quandam
deorum? I, 16.

Nature herself has imprinted on the minds of all the idea of a
God. For what nation or race of men is there that has not, even
without being taught, some idea of a God?

Quae enim nobis natura informationem deorum ipsorum
dedit, eadem insculpsit in mentibus, ut eos aeternos, et
beatos haberemus. I, 17.

For the same nature, which has given to us a knowledge of the
gods, has imprinted on our minds that they are eternal and happy.

*De Natura
Deorum.*

Beatus autem esse sine virtute nemo potest. I, 18.

No one can be happy without virtue.

In animi securitate vitam beatam ponimus. I, 20.

We posit a happy life in tranquillity of mind.

Quis non timeat omnia providentem, et cogitantem, et animadvertentem, eum. I, 20.

Who should not fear God, who foresees, considers, and perceives all things?

Ut tragici poetae, quum explicare argumenti exitum non potestis, confugitis ad deum. I, 20.

Like the tragic poets, when you cannot work out your *dénouement* satisfactorily, you call the Deity to your aid.

Quanto diutius considero, tanto mihi res videtur obscurior. I, 22 (Simonides to Hiero.)

The more I think over the matter, the more difficult of comprehension it seems to me.

Utinam tam facile vera invenire possim quam falsa convincere. I, 32.

Would that it were as easy for me to find the true as to detect the false!

Ut Ennius: "Simia quam similis, turpissima bestia, nobis!" I, 35.

As Ennius says: "How like to us is that filthy beast the ape!"

Superstitio, in qua inest inanis timor Dei; religio, quae Dei cultu pio continetur. I, 42.

Superstition is a senseless fear of God, religion the pious worship of God.

Opinionis enim commenta delet dies, naturae judicia confirmat. II, 2, 7.

Time effaces the utterances of opinion, and confirms the judgments of nature.

Quid potest esse tam apertum, tamque perspicuum, cum coelum suspeximus, coelestiaque contemplati sumus, quam

esse aliquod numen praestantissimae mentis, quo haec regantur?

Quod qui dubitet, haud sane intelligo, cur non idem, sol sit, an nullus sit, dubitare possit. Quid enim est hoc illo evidentius? Quod nisi cognitum comprehensumque animis haberemus, non tam stabilis opinio permaneret, nec confirmaretur, diuturnitate temporis, nec una cum seculis aetatibusque hominum inveterare potuisset. Etenim videmus, caeteras opiniones fictas atque vanas diuturnitate extabuisse. Quis enim hippocentaurum fuisse, aut chimaeam putat? quaeve anus tam excors inveniri potest, quae illa, quae quondam credebantur apud inferos portenta, extimescat? Opinionum enim commenta delet dies: naturae iudicia confirmat. Itaque et in nostro populo, et in caeteris, deorum cultus religionumque sanctitates existunt in dies majores, atque meliores. II, 2.

When we view the heavens, and contemplate the celestial bodies, can anything be plainer, or appear with clearer evidence, than that there is a Deity of most consummate wisdom, by whom they are governed? He that entertains any doubt of this may, in my opinion, with equal reason, doubt the existence of the sun. For, wherein is the one more evident than the other? Had not mankind been thoroughly convinced of the truth of this opinion, it could never have acquired so firm a footing, never have been able to make its way through so many ages and generations, nor to have gained new confirmation by length of time: for we see that all other vain and fictitious notions are at length quite exploded. Who now believes there ever was an hippocentaur, or chimera? Or where is the old wife so stupidly silly as to dread the infernal monsters that were heretofore believed to exist? For time, which effaces all feigned hypotheses, establishes and confirms the judgments of nature. Hence it is, that the veneration paid the divine beings, and the sacred rites of religion, both with us, and among other nations, daily gain ground and improve.

Aegri quia non omnes convalescent, idcirco ars nulla medicina est. II, 4.

Because all the sick do not recover, therefore medicine is no art.

Superstitiones paene aniles. II, 28.

Almost old wives' superstitions.

Cultus autem deorum, est optimus, idemque castissimus, atque sanctissimus, plenissimusque pietatis, ut eos semper

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pura, integra, incorrupta, et mente, et voce veneremur; non enim philosophi solum, verum etiam majores nostri superstitionem a religione separaverunt. II, 28.

The best, the purest, the most holy worship of the gods, and that which is most consistent with our duty, is to worship them always with purity and sincerity of words and thoughts; for not only philosophers, but even our ancestors have drawn a distinction between superstition and religion.

Nihil est praestantius deo; ab eo igitur necesse est mundum regi. Nulli igitur est naturae obediens aut subjectus deus. Omnem ergo regit ipse naturam. II, 30.

Nothing is superior to God; he must therefore govern the world. God is subject to no principle of nature, therefore he rules the whole of nature.

Meliora sunt ea, quae naturā, quam illa, quae arte perfecta sunt. II, 34.

Those things which are perfected by nature are better than those things which are finished by art.

Ex quo eventurum nostri putant id, de quo Panaetium addubitare dicebant, ut ad extremum omnis mundus ignesceret. II, 46.

From which some philosophers think that that will happen which Panaetius doubts, that the whole world will at last be burnt up.

Oculi, tanquam speculatores, altissimum locum obtinent. II, 56.

The eyes, like sentinels, occupy the highest place in the body.

Deus homines humo excitatos, celsos, et erectos constituit, ut deorum cognitionem coelum intuentes, capere possent. Sunt enim homines non ut incolae, atque habitatores, sed quasi spectatores superarum rerum, atque coelestium, quarum spectaculum ad nullum aliud genus animantium pertinet. II, 56.

God has made men, springing from the ground, tall and upright, that, with eyes looking to heaven, they might acquire a knowledge of the Divine Being. For men are not to consider themselves as mere dwellers on earth, but as it were placed there to gaze on the heavens and heavenly bodies, which is the privilege of no other animated creature.

Jam vero domina rerum (ut vos soletis dicere) eloquendi vis, quam est praeclara, quamque divina! quae primum efficit, ut ea, quae ignoramus, discere et ea, quae scimus, alios docere possimus. Deinde hac cohortamur, hac persuademus, hac consolamur afflictos, hac deducimus perterritos a timore, hac gestientes comprimimus, hac cupiditates, iracundiasque restinguimus; haec nos juris, legum, urbium societate devinxit: haec a vita immani, et fera segregavit. II, 59.

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How noble and divine is eloquence! the mistress of all things, as you are accustomed to say. Which, in the first place, enables us to learn those things of which we are ignorant, and to teach others those things which we know; by this we exhort; by this we persuade; by this we console the afflicted; by this we dissipate the fears of the timid; by this we restrain the eager; by this we put an end to passions and desires; it is this that has bound mankind by the community of privileges, of laws, and civil society; this it is which has removed us far from the ills of a savage and barbarous life.

Terrenorum item commodorum omnis est in homine dominatus. Nos campis, nos montibus fruimur: nostri sunt amnes, nostri lacus: nos fruges serimus, nos arbores: nos aquarum inductionibus terris foecunditatem damus; nos flumina arcemus, dirigimus, avertimus: nostris denique manibus in rerum natura quasi alteram naturam efficere conamur. II, 60.

Everything that the earth produces belongs to man: we enjoy the fields and the mountains; ours are the rivers and the lakes; we sow corn and plant trees; we give fruitfulness to the earth by irrigating the ground; we confine, direct, and turn the course of rivers; in short, by our proceedings we endeavor to form, as it were, a second nature.

Nemo vir magnus sine aliquo afflatu divino umquam fuit. II, 66.

No man was ever great without divine inspiration.

Perspicuitas enim argumentatione elevatur. III, 4.

The clearest subjects are often obscured by lengthened reasoning.

Nec fabellas aniles proferas. III, 5.

Do not tell us your old wives' tales.

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Saepe ne utile quidem est scire, quid futurum sit; miserum est enim, nihil proficientem angi. III, 6.

Often it is disadvantageous to know what is to happen; for it is wretched to be grieved without the power of changing events.

Callidos esse appello, quorum tanquam manus opere, sic animus usu concalluit. III, 10.

I call those experienced whose minds are strengthened by knowledge, as the hands are hardened by labor.

Justitia suum cuique distribuit. III, 15.

Justice renders to everyone his due.

Fortunam nemo ab inconstantia et temeritate sejunget. III, 24.

No one will separate fortune from inconstancy and rashness.

Malitia est versuta et fallax ratio nocendi. III, 30.

Malice is a subtle and deceitful engine to work mischief.

Virtutem nemo unquam acceptam deo retulit. III, 36.

No one has ever acknowledged having received virtue from a god.

Num quis, quod bonus vir esset, gratias diis egit unquam? At quod dives, quod honoratus, quod incolumis. III, 36.

Who was ever known to thank the gods for virtue? But for wealth, for honor, for safety, many.

Judicium hoc omnium mortalium est, fortunam a deo petendam, a se ipso sumendam esse sapientiam. III, 36.

It is the universal opinion that we may pray the gods for fortune, but must provide ourselves with wisdom.

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Fortis vero, dolorem summum malum judicans; aut temperans, voluptatem summum bonum statuens, esse certe nullo modo potest. I, 2.

No man can be brave who considers pain to be the greatest evil of life, nor temperate who considers pleasure to be the highest good.

Nulla enim vitae pars neque publicis, neque privatis; *De Officiis.* neque forensibus, neque domesticis in rebus; neque si tecum agas quid, neque si cum altero contrahas, vacare officio potest: in eoque et colendo sita vitae est honestas omnis, et in negligendo turpitudine. I, 2.

There is no kind of life, whether we are transacting public or private affairs, at home or abroad—those in which we are alone concerned or with others—that is free of obligations. In the due discharge of these consists all the dignity, and in their neglect all the disgrace, of life.

Sed inter hominem, et beluam hoc maxime interest, quod haec tantum, quantum sensu movetur, ad id solum, quod adest, quodque praesens est, se accommodat, paulum admodum sentiens praeteritum, aut futurum. Homo autem, quod rationis est particeps, per quam consequentia cernit, causas rerum videt, earumque progressus, et quasi antecessiones non ignorat, similitudines comparat, et rebus praesentibus adjungit, atque annectit futuras: facile totius vitae cursum videt, ad eamque degendam praeparat res necessarias. I, 4.

Between man and the lower animals there is this great distinction, that the latter, moved by instinct, look only to the present and what is before them, paying but little attention to the past or the future. Whereas man, from being endued with reason, by means of which he sees before and after him, discovers the causes of events and their progress, is not ignorant of their antecedents, is able to compare analogies, and to join the future to the present; so he easily sees before his mind's eye the whole path of life, and prepares things necessary for passing along it.

Imprimisque hominis est propria veri inquisitio atque investigatio. I, 4.

The first duty of man is the seeking after and investigation of truth.

Formam quidem ipsam, Marce fili, et tanquam faciem honesti vides; quae si oculis cerneretur, mirabiles amores excitaret sapientiae. I, 5.

Thou seest, my son Marcus, the very form and features, as it were, of virtue; and could it only be beheld by our eyes, it would rouse in us a wonderful love of wisdom.

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Omnes enim trahimur et ducimur ad cognitionis, et scientiae cupiditatem: in qua excellere pulchrum putamus: labi autem, errare, nescire, decipi, et malum, et turpe ducimus. I, 6.

We are all drawn and attracted to the desire of knowledge and learning, in which we think it honorable to excel; but to make mistakes and to be ignorant we regard as base and disgraceful.

Virtutis enim laus omnis in actione consistit. I, 6.

The whole merit of virtue consists in the practice of virtue.

Sed quoniam (ut praeclare scriptum est a Platone) non nobis solum nati sumus, ortusque nostri partem patria vindicat, partem amici: atque (ut placet Stoicis) quae in terris gignantur, ad usum hominum omnia creari, homines autem hominum causa esse generatos, ut ipsi inter se, aliis alii prodesse possent: in hoc naturam debemus ducem sequi, communes utilitates in medium afferre, mutatione officiorum, dando, accipiendo: tum artibus, tum operâ, tum facultatibus devincire hominum inter homines societatem. I, 7.

But seeing (as has been well said by Plato) we have not been born for ourselves alone, but that our country claims one part of us, our friends another, and, as the Stoics declare, all the productions of the earth have been created for the use of men, whereas men are born in order that they should assist one another: in this we ought to follow nature as our guide, to bring into the common stock whatever is useful by an interchange of good offices, at one time giving, at another receiving, to bind men in union with each other by arts, by industry, and by all the faculties of our mind.

Fundamentum autem est justitiae fides, id est dictorum conventorumque constantia et veritas. I, 7.

The foundation of justice is good faith; that is to say, a true and unswerving adherence to promises and covenants.

In maximis animis splendidissimisque ingeniis plerumque existunt, honoris, imperii, potentiae, gloriae cupiditates. I, 8.

In men of the highest character and noblest genius there generally exists insatiable desire of honor, command, power, and glory.

Nulla sancta societas
Nec fides regni est.

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[Ennius, quoted by Cicero] I, 8.

There is no holy bond, and no fidelity
'Twixt those who share a throne.

Omnia jura divina atque humana pervertit propter eum quem sibi ipse opinionis errore finxerat principatum. I, 8 [of Caesar].

He disregarded all laws, human and divine, in pursuit of the dominion which, by an error of judgment, he had allotted to himself.

Quocirca bene praecipunt, qui vetant quidquam agere, quod dubites, aequum sit, an iniquum. Aequitas enim lucet ipsa per se: dubitatio cogitationem significat injuria. I, 9.

Wherefore wisely do those admonish us who forbid us to do anything of which we may be in doubt, whether it is right or wrong. What is right shines with unreflected luster, whereas hesitation insinuates a suspicion of something wrong.

Fundamenta justitiae: primum, ut ne cui noceatur; deinde, ut communi utilitati serviatur. I, 10.

The fundamental principles of justice are, first, that no injury be done to anyone; and, secondly, that it be subservient to the public good.

Ex quo illud: *summum jus, summa injuria*; factum est jam tritum sermone proverbium. I, 10.

Hence "strictness of law is sometimes extreme injustice" has passed into a trite proverb.

Semper in fide quid senseris, non quid dixeris, cogitandum. I, 13.

In honorable dealing we must consider what we intended, not what we said.

Autem injustitiae nulla capitalior est, quam eorum, qui tum cum maxime fallunt, id agunt, ut viri boni esse videantur. I, 13.

In acts of wickedness there is nothing greater than that of those who, when they deceive, so manage that they seem to be virtuous and upright men.

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Meminerimus etiam adversus infimos justitiam esse servandam. I, 13.

Let us remember that justice must also be observed even to inferiors.

Qui aliis nocent, ut in alios liberales sint, in eadem sunt injustitia, ut si in suam rem aliena convertant. I, 14.

Those who injure some to benefit others are acting as wrongfully as if they were turning other persons' property to their own use.

Multi enim faciunt multa temeritate quadam, sine judicio, vel modo, in omnes, vel repentino quodam, quasi vento, impetu animi incitati: quae beneficia aequae magna non sunt habenda, atque ea, quae judicio, considerate, constanterque delata sunt. Sed in collocando beneficio, et in referenda gratia, si cetera paria sint, hoc maxime officii est, ut quisque maxime opis indigeat, ita ei potissimum opitulari: quod contra fit a plerisque. A quo enim plurimum sperant, etiamsi ille his non eget, tamen ei potissimum inserviunt. I, 15.

For many men act recklessly and without judgment, conferring favors upon all, incited to it by a sudden impetuosity of mind: the kindnesses of these men are not to be regarded in the same light or of the same value as those which are conferred with judgment and deliberation. But in the conferring and requiting of a favor, if other things be equal, it is the duty of a man to assist where it is most required. The very opposite of this often takes place, for men assist those from whom they hope to receive in return, even though they do not require it.

Nullum enim officium referenda gratia magis necessarium est. I, 15.

There is no duty more obligatory than the repayment of a kindness.

Demus, necne, in nostra potestate est; non reddere, viro bono non licet, modo id facere possit sine injuria. I, 15.

Whether we give or not is for us to decide, but no honest man may refuse to pay back, provided he can do so without prejudice to others.

Ratio et oratio conciliant inter se homines. Neque ulla *De Officiis.*
re longius absumus a natura ferarum. I, 16.

It is reason and speech that unite men to each other; nor is there anything else in which we differ so entirely from the brute creation.

Pati ab igne ignem capere, si quis velit. I, 16.

Let who will light his fire from yours.

Prima societas in ipso conjugio est: proxima in liberis: deinde una domus, communia omnia. I, 17.

The first bond of society is the marriage tie: the next our children; then the whole family of our house, and all things in common.

Sed cum omnia ratione, animoque lustraris, omnium societatum nulla est gravior, nulla carior, quam ea, quae cum republica est unicuique nostrum: cari sunt parentes, cari liberi, propinqui, familiares: sed omnes omnium caritates patria una complexa est: pro qua quis bonus dubitet mortem oppetere, si ei sit profuturus? I, 17.

But, when thou considerest everything carefully and thoughtfully, of all societies none is of more importance, none more dear than that which unites us with the commonwealth. Our parents, children, relations, and neighbors are dear, but our fatherland embraces the whole round of these endearments; in defense of which, who would not dare to die if only he could assist it?

Qui ex errore imperitae multitudinis pendet, hic in magnis viris non est habendus. I, 19.

That man is not to be considered among the great who depends on the errors of the foolish multitude.

Facillime autem ad res injustas impellitur, ut quisque est altissimo animo, et gloriae cupiditate. Qui locus est sane lubricus, quod vix invenitur, qui, laboribus susceptis, periculisque aditis, non quasi mercedem rerum gestarum desiderat gloriam. I, 19.

The man who is of the highest spirit and most influenced by the desire of glory is most easily excited to the commission of injustice. Such a position is indeed of a slippery character, for there is scarcely to be found a man who, when he has undertaken

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labors and undergone dangers, does not look to glory as their reward.

Nihil enim honestum esse potest quod justitia vacat. I, 19.

Right cannot be where justice is not.

Multi autem et sunt, et fuerunt, qui eam, quam dico, tranquillitatem expetentes, a negotiis publicis se remove-rint, ad otium que perfugerint. . . . His idem proposi-tum fuit, quod regibus, ut ne qua re egerent, ne cui pare-rent, libertate uterentur: cujus proprium est, sic vivere, ut velis. Quare, cum hoc commune sit potentiae cupido-rum cum iis, quos dixi, otiosis: alteri se adipisci id posse arbitrantur, si opes magnas habeant; alteri, si contenti sint et suo, et parvo. In quo neutrorum omnino con-temnenda est sententia: sed et faciliior, et tutior, et minus aliis gravis, aut molesta vita est otiosorum: fructuosior autem hominum generi, et ad claritatem, amplitudinemque aptior eorum, qui se ad rempublicam et ad res magnas gerendas accomodaverunt. I, 20, 21.

There are, and have been, many men who, desiring that life of tranquillity which I have been describing, have retired from public affairs, and devoted themselves to the pleasures of private life. These have had the same object in view as men in high rank—namely, that they should stand in need of nothing, be the slave of no one, enjoy perfect liberty; the peculiar characteristic of which kind of life is, that a man lives according to his own will and pleasure. Wherefore, since those desirous of power have this in common with those lovers of retirement whom I have described, the one think they are able to obtain it by the posses-sion of great wealth, and the other by being content with their own small competency. The idea of neither of these is to be altogether disregarded, but the life of the inactive is easier, safer, less burdensome and annoying to others, whereas those, who devote themselves to public life and the management of great affairs are more advantageous to mankind, and rise to greater glory and honor.

Nihil est tam angusti animi, tamque parvi, quam amare divitias: nihil honestius, magnificentiusque, quam pecu-niam contemnere, si non habeas: si habeas, ad beneficentiam, liberalitatemque conferre. I, 20.

Nothing is a greater proof of a narrow and grovelling dispo-sition than to be fond of riches, while nothing is more noble and

exalted than to despise money, if thou hast it not; and if thou hast it, to employ it in acts of beneficence and liberality. *De Officiis.*

In omnibus negotiis, prius, quam aggrediare, adhibenda est praeparatio diligens. I, 21.

In all affairs, before thou undertakest them a diligent preparation should be made.

Parvi enim sunt foris arma, nisi est consilium domi. I, 22.

Of little value is valor abroad, unless there be wise counsels at home.

Cedant arma togae, concedat laurea laudi. I, 22.

Let the sword yield to the gown, let the laurel give place to honest worth.

Fortis vero et constantis est, non perturbari in rebus asperis, nec tumultuantem de gradu dejici, ut dicitur; sed praesentis animi uti consilio, nec a ratione discedere. I, 23.

It is the character of a brave and resolute man not to be ruffled with adversity and not to be in such confusion as to desert his post, as we say, but to preserve presence of mind and the exercise of reason without departing from his purpose.

Cum tempus, necessitasque postulat, decertandum manu est, et mors servituti, turpitudinique anteponenda. I, 23.

When time and necessity require it, we should resist with all our might, and prefer death to slavery and disgrace.

Quamquam hoc animi, illud etiam ingenii magni est, praecipere cogitatione futura, et aliquanto ante constituere, quid accidere possit in utramque partem: et, quid agendum sit, cum quid evenerit; nec committere, ut aliquando dicendum sit, *Non putaram*. Haec sunt opera magni animi, et excelsi, et prudentia, consilioque fidentis. I, 23.

Though the one is a proof of a high spirit, the other is that of a lofty intellect to anticipate coming events by forethought, and to come to a conclusion somewhat in advance of what may possibly happen in either case, and what ought to be done in that event, and not to be obliged sometimes to say, "I had never thought it." These are the acts of a powerful and sagacious mind, one who trusts in his own prudence and plans.

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Bellum autem ita suscipiatur, ut nihil aliud nisi pax quæ sita videatur. I, 23.

We should so enter upon war as to show that our only desire is peace.

Est viri magni, rebus agitatis, punire sotes: multitudinem conservare: in omni fortuna, recta, atque honesta retinere. I, 24.

It is the duty of a great man, in a revolutionary age, to punish the guilty, to be kind to the lower orders, and in all states of fortune to do what is straightforward and honorable.

Nunquam periculi fuga committendum est, ut imbelles timidique videamur: sed fugiendum etiam illud, ne offeramus nos periculis sine causa, quo nihil potest esse stultius. I, 24.

We should never by shunning dangers cause ourselves to seem cowardly and timid, but we should also avoid unnecessarily exposing ourselves to danger, than which nothing can be more foolish.

Nihil enim laudabilius, nihil magno et praeclaro viro dignius placabilitate atque clementiâ. I, 25.

Nothing is more praiseworthy, nothing more suited to a great and illustrious man than placability and a merciful disposition.

Cavendum est etiam ne major poena quam culpa sit, et ne iisdem de causis alii plectantur, alii ne appellentur quidem. I, 25.

We must take care that crimes be not more severely punished than they deserve, and that one should not be punished for a fault, respecting which another is not even called in question.

Prohibenda autem maxime est ira in puniendo, numquam enim, iratus qui accedet ad poenam, mediocritatem illam tenebit, quæ est inter nimium et parum. I, 25.

Above all things in punishing we must guard against passion; for the man who is in a passion will never observe the mean between too much and too little.

Cavendum est etiam, ne major poena, quam culpa sit; et ne iisdem de causis alii plectantur, alii ne appellentur quidem. I, 25.

We must take care that the punishment is not in excess of the crime, and that it is not inflicted on some only, while others equally guilty are not even brought to trial. *De Officiis.*

In rebus prosperis, superbiam, fastidium, arrogantiamque magno opere fugiamus. I, 26.

In prosperity let us particularly avoid pride, disdain, and arrogance.

Recte praecipere videntur, qui monent, ut quanto superiores sumus, tanto nos geramus summissius. I, 26.

Rightly do those teach who admonish us that we should be the more humble in proportion to our high rank.

Ut adversas res, secundas immoderate ferre, levitatis est. I, 26.

It shows a weak mind not to bear adversity and prosperity with moderation.

Negligere quid de se quisque sentiat, non solum arrogantis est, sed etiam omnino dissoluti. I, 28.

To pay no attention to what is said of one, is a mark not of pride only, but of complete want of principle.

Efficiendum est ut appetitus rationi obediant eamque neque praecurrant nec propter pigritiam aut ignaviam deserant, sintque tranquilli atque omni perturbatione animi careant. I, 29.

We must take care that our appetites be obedient to reason, neither outrunning it nor lagging behind from sluggishness or languor, and that these be in a state of tranquillity, and free from all disturbing influences.

Facilis igitur est distinctio ingenui et illiberalis joci, alter est, si tempore fit, ac remisso animo, libero dignus: alter ne homine quidem, si rerum turpitudini adhibetur verborum obscoenitas. I, 29.

The distinction between a delicate witticism and a low, rude joke is very perceptible; the former may be indulged in, if it be seasonable, and in hours of relaxation, by a virtuous man; the latter, if indecent gestures and obscenity of language be used, is unworthy even of a human being.

De Officiis. Ludendi etiam est quidam modus retinendus, ut ne nimis omnia profundamus, elatique voluptate in aliquam turpitudinem delabamur. I, 29.

There is a certain limit to be observed even in our amusements, that we do not abandon ourselves too much to a life of pleasure, and, carried away by such a life, sink into immorality.

Ludo autem, et joco uti illo quidem licet: sed sicut somno, et quietibus ceteris tum cum gravibus, seriisque rebus satisfecerimus. I, 29.

Sport and merriment are at times allowable; but we must enjoy them as we do sleep and other kinds of repose — when we have performed our weighty and important affairs.

Neque enim ita generati a natura sumus, ut ad ludum et jocum facti esse videamur; sed ad severitatem potius, et ad quaedam studia graviora et majora. I, 29.

Nature has not, in man, produced a being apparently fitted only for sport and jest, but one destined for more serious things, for higher and nobler pursuits.

Hominis mens discendo alitur et cogitando semper aliquid aut anquirit aut agit, videndique et audiendi delectatione ducitur. I, 30.

The mind of man is improved by learning and reflection; it is always searching into or doing something, and is led forward by the pleasurable enjoyment of the eye and the ear.

Veritatis cultores, fraudis inimici. I, 30.

Followers of truth, enemies of deceit.

Id enim maxime quemque decet, quod est cujusque suum maxime. I, 31.

A man's own manner and character is what best becomes him.

Ex quo magis emergit, quale sit decorum illud, ideo, quia nihil decet invita (ut ajunt) Minerva, id est adversante, et repugnante natura. I, 31.

Hence it is the more evident in what the graceful consists, on this account, because there is nothing becoming which goes against the grain (as is the proverb) — that is to say, when nature resists and opposes.

Sic enim est faciendum, ut contra universam naturam nihil contendamus: ea tamen conservata propriam nostram sequamur; ut, etiam si sint alia graviora atque meliora, tamen nos studia nostra nostrae naturae regula metiamur. I, 31. *De Officiis.*

In all that we do we should avoid going contrary to nature, but with that reservation we should follow our own bent; so that, though other pursuits may be higher and nobler, we should measure our own by our own natural capacity.

Haec differentia naturarum tantam habet vim, ut nonnunquam mortem sibi ipse consciscere alius debeat, alius in eadem caussa non debeat. I, 31.

This difference in men's nature is so powerful in its operation, that it may even on occasion be one man's duty to compass his own death, while the same circumstances would not justify another man in so doing.

Suum quisque igitur noscat ingenium, acremque se et bonorum et vitiorum suorum iudicem praebeat; ne scenici plus quam nos videantur habere prudentiae. I, 31.

Every man should study his own character, and constitute himself a keen judge of his own merits and demerits; else it will be said that the dramatists have more insight than we.

In primis constituendum est, quos nos et quales esse velimus, et in quo genere vitae: quae deliberatio est omnium difficillima. Ineunte autem adolescentia, cum est maxima imbecillitas consilii, tum id sibi quisque genus aetatis degendae constituit, quod maxime adamavit; itaque ante implicatur aliquo certo genere cursuque vivendi, quam potuit, quod optimum esset, judicare. I, 32.

We ought particularly to determine what kind of characters we wish to be, and what is to be the course of our life, which is a matter of great difficulty. For in early youth, when the judgment is weak, everyone selects the kind of life which he prefers; therefore he is fixed in a certain definite course before he is able to judge which is best for him.

Illud maxime rarum genus est eorum, qui aut excellenti ingenii magnitudine, aut praeclara eruditione atque doctrina, aut utraque re ornati, spatium deliberandi habuerunt, quem potissimum vitae cursum sequi vellent. I, 33.

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The rarest class is made up of those who, either from the possession of exalted genius, or furnished with excellent education and learning, or having both, have been allowed time to make up their mind what course of life they would wish to embrace.

Optima autem hereditas a patribus traditur liberis, omnique patrimonio praestantior, gloria virtutis rerumque gestarum: cui dedecori esse, nefas judicandum est. I, 33.

The best legacy a father can leave to his children, a legacy worth far more than the largest patrimony, is the fame of a virtuous and well-spent life. He who disgraces such a bequest is deserving of infamy.

Privatum autem oportet aequo, et pari cum civibus jure vivere, neque submissum et abjectum, neque se effertent: tum in republica ea velle, quae tranquilla, et honesta sint; talem enim et sentire bonum civem, et dicere solemus. I, 34.

A private citizen ought to live on terms of equality with his fellow-citizens, neither cringing nor subservient, nor haughty nor insolent; he ought to be favorable to measures in the state which lead to peace and quietness, for such we consider to be the character of a virtuous and upright citizen.

Peregrini autem, et incolae officium est, nihil praeter suum negotium agere, nihil de alio anquirere, minimeque in aliena esse republica curiosum. I, 34.

A foreigner and an alien ought to attend to nothing but his own business, never to meddle with the affairs of others, and least of all to pry into the concerns of a foreign state.

Nihil est, quod tam deceat, quam in omni re gerenda, consilioque capiendo servare constantiam. I, 34.

Nothing is more becoming than in all our actions and in all our deliberations to observe consistency of conduct.

Cum autem pulchritudinis duo genera sint, quorum in altero venustas sit, in altero dignitas; venustatem, muliebrem ducere debemus; dignitatem, virilem. Ergo et a forma removeatur omnis viro non dignus ornatus: et huic simile vitium in gestu, motuque caveatur. I, 36.

But, as there are two kinds of beauty, in the one of which is loveliness, in the other dignity; we ought to regard loveliness as

the quality of woman, dignity that of man. Therefore, let every ornament unworthy of a man be removed from his person, and let him guard against any similar defect in his gestures and movements. *De Officiis.*

Adhibenda est praeterea munditia non odiosa, neque exquisita nimis; tantum quae fugiat agrestem, et inhumanam negligentiam. Eadem ratio est habenda vestitus; in quo (sicut in plerisque rebus) mediocritas optima est. I, 36.

Besides, we must be neat in our person, though not over particular, and let us shun boorish and ungentlemanlike slovenliness. The same principles must be applied to our dress, in which, as in most things, a mean is to be observed.

Nec vero, tanquam in possessionem suam venerit, excludat alios: sed cum reliquis in rebus, tum in sermone communi, vicissitudinem non iniquam putet. I, 37.

A conversationalist must not exclude others from conversation at the dinner-table, as if it were his own possession, but he ought to regard mutual interchange of ideas to be the rule in conversation as in other things.

Deforme etiam est, de se ipso praedicare, falsa praesertim, et cum irrisione audientium, imitari militem gloriosum. I, 38.

It is a silly thing to brag loudly of one's own doings (the more so if it be false), and to imitate the braggadocio-soldier in the play, telling falsehoods to the great amusement of the company.

Odiosum est enim, cum a praetereuntibus dicitur: "O domus antiqua, heu, quam dispari dominare domino!" I, 39.

It is a disgraceful thing when the passers-by exclaim, "O ancient house! alas, how unlike is thy present master to thy former lord!"

Ornanda enim est dignitas domo, non ex domo tota quaerenda: nec domo dominus, sed domino domus honestanda est. I, 39.

Your house may add luster to your dignity, but it will not suffice that you should derive all your dignity from your house: the master should ennoble the house, not the house the master.

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Fit enim, ut magis in aliis cernamus, quam in nobismet ipsis, si quid delinquitur. I, 41.

For it happens that we are more quicksighted as to the faults of others than to our own.

Prudentia est rerum expetendarum fugiendarumque scientia. I, 43.

Prudence is the knowledge of things to be sought and to be avoided.

Quibus rebus intelligitur, studiis, officiisque scientiae, praeponenda esse officia justitiae, quae pertinent ad hominum utilitatem; qua nihil homini esse debet antiquius. I, 43.

Hence it may be understood that the studies and pursuits of literature ought to be deferred to the study of law, which relates to the interests of the human race, than which there ought to be nothing more important to man.

Docti neque solum vivi, atque praesentes studiosos discendi erudiunt, atque docent: sed hos idem etiam post mortem monumentis litterarum assequuntur. I, 44.

Learned men not only instruct and educate those who are desirous to learn, during their life, and while they are present among us, but they continue to do the same after death by the monuments of their learning which they leave behind them.

Ob eam causam eloqui copiose, modo prudenter, melius est, quam vel acutissime sine eloquentia cogitare: quod cogitatio in se ipsa vertitur, eloquentia complectitur eos, quibuscum communitate juncti sumus. I, 44.

On this account it is more serviceable to the public to speak eloquently, provided it is with prudence, than to think ever so accurately, if it be destitute of eloquence; for thought terminates in itself, whereas eloquence embraces all those with whom we are united in the society of life.

Omne officium, quod ad conjunctionem hominum, et ad societatem tuendam valet, anteponendum est illi officio quod cognitione et scientia continetur. I, 44.

Every duty which, when properly performed, tends to promote the unity of humanity and to preserve society, should be held more sacred than that which is confined to the acquisition of information and knowledge.

Quid est optabilius sapientia? quid praestantius? quid homini melius? quid homini dignius? Hanc igitur qui expetunt, *Philosophi* nominantur: nec quidquam aliud est *philosophia*, si interpretari velis, quam studium sapientiae. Sapientia autem est, (ut a veteribus philosophis definitum est) rerum divinarum et humanarum, causarumque, quibus hae res continentur, scientia: cujus studium qui vituperat, haud sane intelligo, quidnam sit, quod laudandum putet. Nam sive oblectatio quaeritur animi, requiesque curarum; quae conferri cum eorum studiis potest, qui semper aliquid anquirunt, quod spectet et valeat ad bene beateque vivendum? sive ratio constantiae, virtutisque quaeritur: aut haec ars est, aut nulla omnino, per quam eas assequamur. Nullam dicere maximarum rerum artem esse, cum minimarum sine arte nulla sit, hominum est parum considerate loquentium, atque in maximis rebus errantium. Si autem est aliqua disciplina virtutis, ubi ea quaeretur, cum ab hoc discendi genere discesseris. II, 2.

What so desirable as wisdom? What more excellent in itself, so useful to man, or better deserving his pursuit? Hence they who are possessed with an earnest desire to acquire it are called Philosophers; for Philosophy, in the precise meaning of the word, signifies the love of wisdom. Now wisdom, as defined by the ancient sages, is the knowledge of things divine and human, with their efficient causes. Whoever despises this study, I know not what he can think worthy of his approbation: for whether an agreeable amusement, or freedom from care, be the object of his desires; what is comparable to those studies which are always taken up in searching after the means of attaining a good and happy life? Or, is he desirous of learning the principles of virtue and true courage? here, or nowhere, is to be found the art of acquiring them. They who affirm that there is no art in things of the greatest moment, while nothing however small and trifling is performed without its aid, are guilty of the grossest error, and must be men of no consideration. Now if there be any science of virtue, where shall it be learned, if not in the school of philosophy?

Nos autem, ut ceteri alia certa, alia incerta esse dicunt, sic ab his dissidentes alia probabilia, contra alia dicimus. II, 2.

Where others say that some things are certain, others uncertain, we, differing from them, say that some things are probable, others improbable.

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Deos placatos pietas efficiet et sanctitas. II, 3.

Piety and holiness of life will propitiate the gods.

Nulla tam detestabilis pestis est, quae non homini ab homine nascatur. II, 5.

There is no plague of so fearful a character that it may not be communicated to man from man.

Utitur, in re non dubia, testibus non necessariis. II, 5.

In a case which admits of no doubt he is calling unnecessary witnesses.

Proprium hoc statuo esse virtutis, conciliare animos hominum, et ad usus suos adjungere. II, 5.

It is Virtue's province to win her way into the hearts of men, and bind them to her service.

Magnam vim esse in fortuna in utramque partem, vel secundas ad res, vel adversas, quis ignorat? nam et cum prospero flatu ejus utimur, ad exitus pervehimur optatos: et cum reflavit, affligimur. II, 6.

Who does not know the influence that fortune exercises both upon our prosperity and adversity? For when we sail with her favoring breeze, we are carried forward to the wished-for port, and when she blows against us, we are in distress.

Male enim se res habet, quum quod virtute effici debet, id tentatur pecunia. II, 6.

Things are in a bad way when money is used to effect what should be accomplished by valor.

Malus enim custos diuturnitatis metus; contraque benevolentia fidelis est vel ad perpetuitatem. II, 7.

Fear is an untrustworthy guardian of constancy, but a kindly heart is faithful even to the end of the world.

Qui se metui volent, a quibus metuentur, eosdem metuant ipsi necesse est. II, 7.

Those who desire to be feared cannot but fear those by whom they are feared.

Voluptates, blandissimae dominae, majores partes animi a virtute detorquent; et dolorum cum admoventur faces,

praeter modum plerique exterrentur: vita, mors, divitiae, *De Officiis.* paupertas, omnes homines vehementissime permovent. Quae qui in utramque partem excelso animo, magnoque despiciunt, cumque aliqua his ampla, et honesta res objecta est, totas ad se convertit, et rapit, tum quis non admiretur splendorem, pulchritudinemque virtutis. II, 10.

Pleasures, those alluring mistresses, divert the great majority of mankind from the path of virtue; and when the torch of affliction is applied they are terrified beyond measure. All men feel strongly life, death, riches, and poverty. As to those who, with a high and noble spirit, look on such things with an indifferent eye, men, whom a great and lofty object, when it is presented, draws and absorbs to itself, in such cases who can refrain from admiring the splendor and beauty of their high-principled conduct?

Contemnuntur ii, qui *nec sibi nec alteri*, ut dicitur; in quibus nullus labor, nulla industria, nulla cura est. II, 10.

We despise those who, as the saying goes, are no good either to themselves or to anyone else; who are neither laborious, nor industrious, nor careful.

Justitia, ex qua virtute viri boni appellantur, mirifica quaedam multitudini videtur; nec injuria; nemo enim justus esse potest, qui mortem, qui dolorem, qui exilium, qui egestatem timet, aut qui ea, quae sunt his contraria, aequitati anteponeit. II, 11.

Justice, the possession of which virtue entitles men to be called good, is looked upon by the masses as something miraculous; and rightly so, for no one can be just who fears death, pain, exile, or poverty, or who ranks the opposites of these above equity.

Maxime admirantur eum, qui pecunia non movetur: quod in quo viro perspectum sit, hunc igni spectatum arbitrantur. II, 11.

Men particularly admire him who is not to be influenced by money; for in whomsoever they see this quality strongly marked, they regard him as ore purified by fire.

Quin etiam leges latronum esse dicuntur, quibus pareant, quas observent. II, 11.

Even thieves are said to have laws which they obey, which they observe.

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Quamquam praeclare Socrates, hanc viam ad gloriam proximam et quasi compendiarium dicebat esse, si quis id ageret, ut, qualis haberi vellet, talis esset. Quod si qui simulatione, et inani ostentatione, et ficto non modo sermone, sed etiam vultu, stabilem se gloriam consequi possentur, vehementer errant. Vera gloria radices agit, atque etiam propagatur: ficta omnia celeriter, tamquam flosculi, decidunt, nec simulatum potest quidquam esse diuturnum. II, 12.

Well did Socrates say, that this was the nearest and the shortest road to glory, when a man acted so that he was such as he wished to be considered. Whereas those are greatly mistaken who think that they can obtain permanent glory by hypocrisy, vain pretense, and disguised words and looks. True glory strikes its roots deep, and spreads them on all sides; everything false disappears quickly, like spring flowers, nor can anything, that is untrue, be of long duration.

Prima commendatio proficiscitur a modestia, tum pietate in parentes, tum in suos benevolentia. II, 13.

The chief recommendation of a young man is modesty, obedience to parents, and affection for relations.

Habendum est religioni, nocentem aliquando, modo ne nefarium, impiumque defendere; vult hoc multitudo, patitur consuetudo, fert etiam humanitas. II, 14.

We ought to consider it a duty to defend the guilty, provided he be not an abominable and impious wretch. Mankind desires this, custom allows it, and even humanity is willing to tolerate it.

Sed tamen difficile dictu est, quantopere conciliet animos hominum comitas, affabilitasque sermonis. II, 14.

But yet it is difficult to say how much men's minds are conciliated by a kind manner and affability of speech.

Quid est tam inhumanum quam eloquentiam, a natura ad salutem hominum et ad conservationem datam, ad bonorum pestem perniciemque convertere? II, 14.

What more barbarous than to pervert eloquence, which is a gift of nature for the salvation and preservation of mankind, to the ruin and destruction of the good?

Judicis est semper in causis verum sequi; patroni nonnunquam verisimile, etiam si minus sit verum, defendere. *De Officiis.*
II, 14.

It is always the judge's business in a suit to endeavor to get at the truth: it may sometimes be the duty of the advocate to defend a probable hypothesis, even though it be not quite the truth.

Non ita claudenda est res familiaris, ut eam benignitas aperire non possit: nec ita reseranda, ut pateat omnibus, modus adhibeatur, isque referatur ad facultates. II, 15.

Our purse should not be so closed that our kind feelings cannot open it, nor yet so unfastened that it lies open to all. A limit should be set, and it should depend upon our means.

Omnino meminisse debemus id, quod a nostris hominibus saepissime usurpatum, jam in proverbii consuetudinem venit, largitionem fundum non habere; etenim quis potest modus esse, cum et idem qui consuerunt, et idem illud alii desiderent. II, 15.

We ought particularly to remember this, as it is often in the mouths of the men of the present day, and has even passed into a proverb, that "a bountiful disposition has no bottom." For where can there be any moderation when both those who are accustomed to get and also others are anxious for the same thing?

Largitionem fundum non habere. II, 15.

Charity's money-bags are bottomless.

Nam praeclare Ennius:

"Benefacta male locata, malefacta arbitror."

II, 18.

Well has Ennius said, "Kindnesses misplaced are nothing but a curse and disservice."

Omnes enim immemorem beneficii oderunt, eamque injuriam in deterrenda liberalitate sibi etiam fieri, eumque qui faciat communem hostem tenuiorum putant. II, 18.

All men detest ingratitude, as being an injury done to themselves, by the effect it has of discouraging generosity, and the ingrate they look upon as the common enemy of the poor.

Commode autem quicumque dixit, pecuniam qui habeat, non reddidisse: qui reddiderit, non habere: gratiam autem et qui retulerit, habere: et qui habeat, retulisse. II, 20.

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Now it was well said, whoever said it, "That he who hath the loan of money has not repaid it; and he who has repaid it has not the loan; but he who has acknowledged a kindness has it still; and he who has a feeling of it has requited it."

Tum illud male: "non esse in civitate duo millia hominum, qui rem haberent." Capitalis oratio, et ad aequationem bonorum pertinens: qua peste quae potest esse major? II, 21.

He said very unwisely, "That there were not two thousand men of property in the whole state." A speech well worthy of notice, and which aimed at the equalizing of property, than which there is no principle more pernicious in a state.

Labefactant fundamenta reipublicae; concordiam primum, quae esse non potest, quum aliis adimuntur, aliis condonantur pecuniae; deinde aequitatem, quae tollitur omnis, si habere suum cuique non licet. II, 22.

They are uprooting the very foundations of the state; first, harmony, which cannot exist when property is taken by force from some to be presented to others; next, justice, which is destroyed when a man is not permitted to retain possession of his own.

Non enim numero haec judicantur, sed pondere. II, 22.

Not number but weight is our test in these matters.

Sed valitudo sustentatur notitia sui corporis; et observatione, quae res aut prodesse soleant, aut obesse; et continentia in victu omni, atque cultu, corporis tuendi causa; et praetermittendis voluptatibus; postremo arte eorum, quorum ad scientiam haec pertinent. II, 24.

Good health is to be secured by an acquaintance with our constitutions, and by observing what things benefit or injure us; by temperance in living, which tends to preserve the body; by refraining from sensuality; in short, by employing the skill of those who have devoted themselves to the study of the human body.

Publium Scipionem, Marce fili, eum, qui primus Africanus appellatus est, dicere solitum scripsit Cato, qui fuit fere ejus aequalis, "*Numquam se minus otiosum esse, quam cum otiosus; nec minus solum, quam cum solus esset.*" Magnifica vero vox, et magno viro, ac sapiente digna: quae declarat, illum et in otio de negotiis cogitare, et in

solitudine secum loqui solitum; ut neque cessaret umquam, et interdum colloquio alterius non egeret. Itaque duae res, quae languorem afferunt ceteris, illum acuebant, otium, et solitudo. III, 1. *De Officiis.*

My son Marcus, Cato tells us that Publius Scipio, he who was called Africanus the Elder, used to say "that he was never less at leisure than when he was at leisure, nor less alone than when he was alone." A splendid saying, and worthy of a great and wise man, which shows that he used to deliberate on affairs in his leisure hours, and to converse with himself when he was alone, so that he never was idle, and sometimes did not require the society of others. Therefore the two things which cause ennui to others — namely, retirement and solitude — roused him.

Sic ab hominibus doctis accepimus, non solum ex malis eligere minima oportere, sed etiam excerpere ex his ipsis, si quid inesset boni. III, 1.

Learned men have taught us that not only with a choice of evils we should choose the least, but that from the evil we should endeavor to extract some good.

Liceret ei dicere utilitatem aliquando cum honestate pugnare. III, 3.

He may say, if he will, that expediency sometimes clashes with honesty.

Magis est secundum naturam, pro omnibus gentibus, si fieri possit, conservandis, aut juvandis maximos labores, molestiasque suscipere. III, 5.

It is more in accordance with nature to undergo the greatest labors and annoyances, for the sake, if it were possible, of preserving or assisting all nations.

Derelictio communis utilitatis contra naturam est. III, 6.

The desertion of the common interest is contrary to nature.

Suum cuique incommodum ferendum est, potius quam de alterius commodis detrahendum. III, 6.

It is the duty of each man to bear his own discomforts, rather than diminish the comforts of his neighbor.

Nihil vero utile, quod non idem honestum: nihil honestum, quod non idem utile sit, saepe testatur: negatque,

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ullam pestem majorem in vitam hominum invasisse, quam eorum opinionem, qui ista distraxerint. III, 7.

He often assures us that there is nothing expedient which is not also honorable, nothing honorable which is not also expedient; and he maintains that there is no greater injury done to men than by those who try to separate them.

In ipsa dubitatione facinus inest, etiamsi ad id non pervenerint. III, 8.

Wickedness resides in the very hesitation about an act, even though it be not perpetrated.

Qui stadium currit, eniti et contendere debet, quam maxime possit, ut vincat: supplantare eum, quicum certet, aut manu depellere, nullo modo debet; sic in vita sibi quemque petere, quod pertineat ad usum, non iniquum est: alteri deripere, jus non est. III, 10.

He who runs in a racecourse ought to exert himself as much as he can conquer, but ought by no means to trip up or throw down the man with whom he is contending; so in the affairs of life there is nothing wrong in a man trying to obtain what may be for his advantage, yet roguery is unlawful.

Omnia patefacienda, ut ne quid omnino, quod venditor norit, emptor ignoret. III, 12.

Everything should be disclosed, that the buyer may be ignorant of nothing which the seller knows.

Neminem id agere, ut ex alterius praedetur inscientia. III, 17.

No one should act so as to take advantage of the ignorance of his neighbor.

Ex quo intelligitur, quoniam juris natura fons sit, hoc secundum naturam esse, neminem id agere ut ex alterius praedetur inscientia. III, 17.

We must understand, therefore, that since nature is the fountain of justice, it is according to natural law that no one should take advantage of another's ignorance to his own profit.

Aliud utile interdum, aliud honestum videri solet. Falso: nam eadem utilitatis, quae honestatis est regula. Qui hoc non perviderit, ab hoc nulla fraus aberit, nullum facinus. Sic enim cogitans, *Est istuc quidem honestum, verum hoc*

expedit, res a natura copulatas audebit errore divellere: *De Officiis*. qui fons est fraudium, maleficiorum, scelerum omnium. Itaque si vir bonus habeat hanc vim, ut, si digitis concrepuerit, possit in locupletium testamenta nomen ejus irrepere; hac vi non utatur: ne si exploratum quidem habeat, id omnino neminem unquam suspicaturum. . . . Homo justus, isque quem sentimus virum bonum, nihil cuiquam, quod in se transferat, detrahet. Hoc qui admiratur, is se, quid sit vir bonus, nescire fateatur. At vero si quis voluerit animi sui complicatam notionem evolvere, jam se ipse doceat, eum virum bonum esse, qui prosit quibus possit: noceat nemini, nisi lacessitus injuria. Quid ergo hic non noceat, qui quodam quasi veneno perficiat, ut veros heredes moveat in eorum locum ipse succedat? Non igitur faciat, dixerit quis, quod utile sit, quod expediat? Immo intelligat, nihil nec expedire, nec utile esse, quod sit injustum. Hoc qui non didicerit, bonus vir esse non poterit. III, 18, 19.

Profit and honesty sometimes appear to interfere with one another. But the case is otherwise; for the rule of both is the same. Whoever is not fully convinced of this, must be an arrant knave and villain. By such a train of thought he will be led to say, *this indeed is equitable, but that advantageous*, by such a fatal mistake disjoining things in their own nature inseparable; which is the source of all manner of treachery, injustice and wickedness. A virtuous man, therefore, though possessed of a secret to get his name inserted into the last wills of people of fortune, so easily as with a knack of his fingers, would never put it in practice, even though he certainly knew it could never be in the least suspected. A just man, or one who answers to our notion of a good man, will take nothing from another to be applied to his own use. Whoever is surprised at this assertion, tacitly confesses that he is ignorant of what constitutes the character of a good man. But would anyone take the pains to revolve this complicated idea in his own breast, he will find that the good man is one who does good to all he can, and hurts nobody, unless first provoked by ill usage. What shall we say then? Is he not an injurious person who, as it were, by the power of some drug, has the address to disinherit the true heirs, in order to succeed in their place? Shall a man, then, some may object, forbear to pursue what is profitable and advantageous? I would have such a one know that nothing unjust in itself can tend either to our advantage or profit. He that has not learnt this lesson can have no pretension to the character of a good man.

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Cum enim fidem alicujus, bonitatemque laudant, dignum esse dicunt, quicum in tenebris mices.

For when they praise the faith, the honor, the goodness of a man, they say, "He is one with whom we may play at odd and even in the dark."

Sic multa quae honesta natura videntur esse, temporibus fiunt non honesta. III, 25.

Thus many things which seem by their nature honorable are rendered dishonorable by circumstances.

Scite Euripides: "Juravi lingua, mentem injuratam gero." III, 29.

I have sworn with my tongue, but I have a mind unsworn.

Non enim falsum jurare, perjurare est: sed, quod ex animi tui sententia juraris, sicut verbis concipitur more nostro, id non facere, perjurium est. III, 29.

For to swear falsely is not at all times to be accounted perjury, but not to perform that which you have sworn according to the intentions of your mind—"ex animi tui sententia," as our law books have it—is perjury.

Cum his viris equisque, ut dicitur, . . . decertandum est. III, 33.

We must fight them, as the saying is, with foot and horse.

Aqua haeret, ut aiunt. III, 33.

The water sticks, they say.

DE ORATORE

De Oratore.

Memoria est thesaurus omnium rerum et custos. I, 5.

Memory is the treasury and guardian of all things.

Quid tam regium, tam liberale, tam munificum, quam opem ferre supplicibus, excitare afflictos, dare salutem, liberare periculis? I, 8.

What is there so kinglike, so noble, so generous, as to bring aid to the suppliant, to raise up the broken in heart, to save and deliver from dangers?

Neque vero mihi quidquam praestabilius videtur, quam posse dicendo tenere hominum coetus, mentes allicere, voluntates impellere quo velit; unde autem velit, deducere. Haec una res in omni libero populo, maximeque in pacatis, tranquillisque civitatibus, praecipue semper floruit, semperque dominata est. Quid enim est aut tam admirabile, quam ex infinita multitudine hominum exsistere unum, qui id, quod omnibus natura sit datum, vel solus, vel cum paucis facere possit? aut tam jucundum cognitu, atque auditu, quam sapientibus sententiis, gravibusque verbis ornata oratio, et perpolita? aut tam potens, tamque magnificum, quam populi motus, judicum religiones, senatus gravitatem, unius oratione converti? Quid tam porro regium, tam liberale, tam munificum, quam opem ferre supplicibus, excitare afflictos, dare salutem, liberare periculis, retinere homines in civitate? Quid autem tam necessarium, quam tenere semper arma, quibus vel tectus ipse esse possis, vel provocare improbos vel te ulcisci lacesitus? I, 8. 3.

There is nothing, I think, more truly excellent, than for a man to be able to attract, by his eloquence, the attention of a whole assembly; to charm their understandings; and to direct, or restrain, their inclinations at pleasure. This single art hath always, among free people, and especially in times of public peace and tranquillity, not only met with the highest encouragement, but reigned, as it were, paramount. Now is there anything so deserving our admiration as that amidst an infinite number of men there should be found only one, or at least but few, who are able to exercise those talents which nature has bestowed on all? Or, can anything convey so sincere a pleasure to our understanding or ear, as a discourse which to the wisest sentiments adds the luster and embellishment of expression? What greatness, what power, can compare with his who, by a single speech, can direct the caprices of the people, the consciences of judges, and even the majestic gravity of the Senate? Besides, can anything be more generous, more like a king, or more truly denote a great soul, than to lend assistance to those who desire it, relieve the oppressed, communicate happiness, protect from dangers, and preserve citizens from exile? What, on the other hand, so necessary, as to have arms always about us to annoy the malefactor, protect us from insult, and avenge ourselves when we are injured?

Hos, quos nos oratores vocaremus, nihil esse (Mnesarchus) dicebat, nisi quosdam operarios lingua celeri, et

De Oratore. exercitata: oratorem autem, nisi qui sapiens esset, esse neminem. I, 18.

Mnesarchus used to say that those whom we called orators were nothing else but artisans with voluble and well-trained tongues, but that no one was an orator unless he was wise.

Quid est ineptius quam de dicendo dicere, quum ipsum dicere nunquam sit non ineptum nisi quum est necessarium? I, 24.

What can be more foolish than to talk about talking, when talking itself is foolish except when it is necessary?

Nihil in hominum genere rarius perfecto oratore inveniri potest. I, 28.

Nothing is more rarely found among men than a consummate orator.

Nihil est enim tam insigne nec tam ad diuturnitatem memoriae stabile, quam id in quo aliquid offenderis. I, 28.

Nothing attracts so much attention, or retains such a hold upon men's memories, as the occasion when you have made a mistake.

Stilus optimus et praestantissimus dicendi effector ac magister. I, 33.

The pen is the best and most excellent modeler and teacher of oratory.

Vere enim illud dicitur, Perverse dicere homines perverse dicendo facillime consequi. I, 33.

It is a true saying that one falsehood leads easily to another.

Juris peritorum eloquentissimus, eloquentium juris peritissimus. I, 39 [of Q. Scaevola].

The greatest orator among the lawyers, the greatest lawyer among the orators.

Omnia fere, quae sunt conclusa nunc artibus, dispersa et dissipata quondam fuerunt; ut in musicis numeri et voces et modi; in geometria lineamenta, formae, intervalla, magnitudines; in astrologia caeli conversio, ortus, obitus motusque siderum; in grammaticis poetarum pertractatio, historiarum cognitio, verborum interpretatio, pronuntiandi quidam sonus; in hac denique ipsa ratione dicendi

excogitare, ornare, disponere, meminisse, agere disjecta quondam omnibus et diffusa late videbantur. Adhibita est igitur ars quaedam extrinsecus ex alio genere quodam; quod sibi totum philosophi adsumunt, quae rem dissolutam divulsamque, conglutinet et ratione quadam constringeret. Sit ergo in jure civili finis hic: legitimae atque usitatae in rebus causisque civium aequabilitatis conservatio. Tum sunt notanda genera et ad certum numerum paucitatemque revocanda. Genus autem est id, quod sui similis communione quadam, specie autem differentis, duas aut pluris complectitur partis. Partes autem sunt, quae generibus eis, ex quibus manant, subiciuntur; omniaque, quae sunt vel generum vel partium nomina, definitionibus, quam vim habeant, est exprimendum. Est enim definitio rerum earum, quae sunt eius rei propriae, quam definire volumus, brevis et circumscripta quaedam explicatio. Hisce ego rebus exempla adjungerem, nisi apud quos haec haberetur oratio, cernerem. Nunc complectar, quod proposui, brevi. Si enim aut mihi facere licuerit, quod jam diu cogito, aut alius quispiam aut me impedito occuparit aut mortuo effecerit, ut primum omne ius civile in genera digerat, quae perpauca sunt, deinde eorum generum quasi quaedam membra dispertiat, tum propriam cuiusque vim definitione declaret, perfectam artem juris civilis habebitis, magis magnam atque uberem, quam difficilem et obscuram. Atque interea tamen, dum haec, quae dispersa sunt, cogantur, vel passim licet carpentem et colligentem undique repleti justa juris civilis scientia. I, 42.

The knowledge of almost all the things, which are now reduced to sciences, was once scattered and dispersed; for instance, in music, rhythm, pitch, and melody; in geometry, lines, figures, distances, and magnitudes; in astronomy, the revolutions of the heavens, the risings, settings, and movements of the stars; in the study of literature, the handling of the poets, the knowledge of history, the explanation of words, viz., etymology and grammar, the sounds to be pronounced; finally, in this very art of rhetoric of which we are talking, the invention, expression, arrangement, memorizing, and delivery seem to have been at one time unknown to all, or at least the knowledge of them seems to have been entirely unconnected.

Therefore there was applied from without a science of a different genus, which the philosophers claim as entirely their own, a science of such a nature as to bind by a system the parts of a sub-

De Oratore.

ject hitherto unconnected or even torn apart. Therefore let us take the final end of the *jus civile* to be this, the preservation in the dealings and disputes of citizens of an equity based on law and custom. Then its genera must be reduced to a fixed number and one as small as possible. A genus is that which embraces two or more divisions [*partes*] alike in possessing certain qualities in common but differing in species. The divisions are subordinate to the genera from which they proceed, and the force possessed by all names of the genera and divisions must be set forth in definitions. A definition is a brief but comprehensive statement of those great qualities which are peculiar to the thing we wish to define. To this I should add examples were I not well acquainted with my hearers. As it is, I shall put into words what I have proposed. If I should be permitted to do what I have long been planning, or if somebody else should undertake the task while I am otherwise engaged, or accomplish it after my death—as soon as someone shall divide the whole *jus civile* into its genera, which are very few, next distribute what we may call the numbers of these genera, and then set forth in definitions the proper force of each [term employed], you will have a perfected science of the *jus civile*, large and full indeed, but neither difficult nor obscure. In the meantime, while the scattered fragments are being combined, a person may get a truly scientific knowledge of civil law [*justa juris civilis scientia*], if he will only cull and gather what he can here, there, and everywhere.

Est sine dubio domus jurisconsulti, totius oraculum civitatis. I, 45.

The house of the lawyer is, no doubt, the oracle of the whole state.

Socrates dicere solitus est, quibus id persuasum esset, ut nihil mallent se esse, quam bonos viros, iis reliquam facilem esse doctrinam. I, 47.

Socrates used to say that to those who were convinced that they should prefer nothing so much as to be good men, every other kind of learning was easy.

Nolite sinere nos cuiquam servire nisi vobis universis, quibus et possumus et debemus. I, 52.

Be unwilling to allow us to be the slave of only one, but rather of you all in whatever we can and ought.

Qui aut tempus quid postulet, non videt aut plura loquitur, aut se ostentat, aut eorum quibuscum est vel dignitatis vel

commodi rationem non habet, aut denique in aliquo genere *De Oratore.*
aut inconcinnus aut multus est, is ineptus esse dicitur. II, 4.

He who does not perceive what is demanded by the circumstances, or says too much, or indulges in vain display, or does not take into account the rank, or study the convenience, of those with whom he finds himself, or, to be brief, is in any way awkward or prolix, is what we call a tactless person.

Multi levissimam delectationem gravissimae utilitati anteponunt. II, 5.

Many prefer the smallest pleasure to the most important advantage.

Usus dicendi in omni pacata et libera civitate dominatur. II, 8.

The practice of public speaking flourishes in every peaceful and free state.

Historia vero testis temporum, lux veritatis, vita memoriae, magistra vitae, nuntia vetustatis, qua voce alia nisi oratoris immortalitati commendatur. II, 9.

History is the witness of the times, the torch of truth, the life of memory, the teacher of life, the herald of antiquity; receiving from the voice of the orator alone her credentials to immortality.

"Quae natura aut fortuna darentur hominibus, in iis rebus se vinci posse animo aequo pati; quae ipsi sibi homines parare possent, in iis rebus se pati non posse vinci."
[Crassus, quoted by Cicero] II, 11.

We may cheerfully permit ourselves to be excelled in those things which are bestowed on mankind by nature or fortune, but not in those which men can secure for themselves by their own efforts.

Quis nescit primam esse historiae legem ne quid falsi dicere audeat? deinde ne quid veri non audeat? ne quae suspicio gratiae sit in scribendo? ne quae simultatis?
II, 15.

Who does not recognize that the first law of history is that we shall never dare to say what is false; the second that we shall never fear to say what is true; that everything we write shall be free from any suspicion of favoritism or flattery?

De Oratore. Neque est omnino ars ulla, in qua omnia quae illa arte effici possunt, a doctore tradantur. II, 16.

There is no art of which all the possibilities are capable of being imparted by a teacher.

Quod enim ipsi experti non sunt, id docent ceteros. II, 18.

They are teaching to others an art in which they have themselves no experience.

Non potest in eo esse succus diuturnus, quod nimis celeriter est maturitatem assecutum. II, 21.

Sap cannot long continue in that which has too quickly acquired maturity.

Tardi ingenii est, rivulos consecrari, fontes rerum non videre. II, 27.

It is the part of the slow of perception to follow up the rivulets of learning and never to see the fountain-head.

Diligentia, cum omnibus in rebus, tum in causis defendendis plurimum valet. Haec praecipue colenda est nobis: haec semper adhibenda; haec nihil est, quod non assequatur. II, 35.

Diligence has greatest power in everything, particularly in defending causes; it is above all to be cultivated, it is always to be attended to; there is nothing which it does not accomplish.

Avaritiam si tollere vultis, mater ejus est tollenda, luxuries. II, 40.

If you would banish avarice, you must first banish luxury, the mother of avarice.

Medico diligenti, priusquam conetur aegro adhibere medicinam, non solum morbus ejus, cui mederi volet, sed etiam consuetudo valentis et natura corporis cognoscenda est. II, 44.

A careful doctor, before attempting to prescribe for a patient, must make himself acquainted not only with the nature of the disease of the man he desires to cure, but also with his manner of life when in health, and his constitution.

Saepe enim audiivi poëtam bonum neminem sine inflammatione animorum existere posse, et sine quodam afflatu quasi furoris. II, 46.

I have often heard that no real poet can exist without the spirit *De Oratore*.
being on fire, and without, as it were, a spice of madness.

Invidetur praestanti florentique fortunae. II, 52.

Men envy high and successful fortune.

Plerique sunt invidi, maximeque est hoc commune vitium.
II, 52.

Most men are envious, and this is above all a common fault.

Omnino probabiliora sunt, quae lacessiti dicimus, quam
quae priores. II, 56.

We are more likely to speak the truth under cross-examination
than in our evidence in chief.

Facinorosos majore quadam vi quam ridiculi vulnerari
volunt. II, 58.

We demand that the criminal should be attacked with a more
powerful weapon than ridicule.

"Ut sementem feceris, ita metes." II, 65.

[Quoted by Cicero]

As thou sowest, so shalt thou reap.

Habet enim multitudo vim quamdam talem, ut, quemad-
modum tibicen sine tibiis canere, sic orator sine multitu-
dine audiente eloquens esse non possit. II, 83.

So great is the influence of numbers, that an orator can no more
be eloquent without a crowded audience than a flute-player can
play without a flute.

Vera laus uni virtuti debetur. II, 84.

True praise is due to virtue alone.

Minime sibi quisque notus est et difficillime de se quisque
sentit. III, 9.

Everyone is least known to himself, and the most difficult task
is to get acquainted with one's own character.

Res quidem se mea sententia sic habet, ut, nisi quod quis-
que cito potuerit, nunquam omnino possit perdiscere.
III, 23.

It is a fact, as I think, that what we cannot learn quickly we
cannot learn at all.

De Oratore. Omnibus in rebus voluptatibus maximis fastidium finitum est. III, 25.

In everything satiety follows most closely on the greatest pleasures.

"Sapiens virtuti honorem praeium, haud praedam petit." [Roscius, quoted by Cicero] III, 26.

"The wise man seeks honor, not profit, as the reward of virtue."

Rerum enim copia verborum copiam gignit. III, 31.

A plethora of matter begets a plethora of words.

Quorum si alterum sit optandum, malim equidem indisertam prudentiam, quam stultitiam loquacem. III, 35.

If I have to choose between the two, I would rather have sound common sense without eloquence, than folly with a fine flow of language.

Facilius enim ad ea quae visa, quam ad illa quae audita sunt, mentis oculi feruntur. III, 41.

The mind's eye is more easily impressed by what is seen than by what is heard.

Irrepit in hominum mentes dissimulatio. III, 53.

Dissimulation creeps gradually into the minds of men.

Animi est enim omnis actio, et imago animi vultus, indices oculi. III, 59.

All action is of the mind, and the mirror of the mind is the face, its index the eyes.

DE PARTITIONE ORATORIA

*De
Partitione
Oratoria.*

Cito enim exaurescit lacrima, praesertim in alienis malis. XVII.

Our tears are quickly dried, especially when they are shed over the griefs of others.

Nihil est enim tam miserabile quam ex beato miser. XVII.

Nothing is so pitiable as a poor man who has seen better days.

DE PHILOSOPHIA

Videt enim, quod videndum fuit, appendicem animi esse corpus, nihilque in eo esse magnum. *Fragment 96.* *De Philosophia.*

He perceived, what indeed was clear, that the body is a mere appendage of the soul, entirely devoid of great qualities.

DE PETITIONE CONSULATUS

Frons est animi janua. 11.

The forehead is the gate of the mind.

*De Petitione
Consulatus.*

DE PROVINCIIIS CONSULARIBUS

Non is solum gratus debet esse qui accepit beneficium, verum etiam is cui potestas accipiendi fuit. XVII. *De Provinciis Consularibus.*

Gratitude should not be confined to him who has accepted a favor, but should be felt also by him who has had the opportunity of accepting.

DE REPUBLICA

Virtus in usu sui tota posita est. I, 2.

The whole of virtue consists in practice.

*De
Repubblica.*

Nec vero habere virtutem satis est, quasi artem aliquam, nisi utare. Etsi ars quidem, quum ea non utare, scientia tamen ipsa teneri potest, virtus in usu sui tota posita est. I, 2.

It is not enough to possess virtue, as though it were an art, unless we use it. For although, if you do not practice an art, you may yet retain it theoretically, the whole of virtue is centered in the exercise of virtue.

Neque enim hac nos patria lege genuit aut educavit; ut nulla quasi alimenta expectaret a nobis, ac tantummodo nostris ipsa commodis serviens, tutum perfugium otio nostro suppeditaret, et tranquillum ad quietem locum; sed ut plurimas et maximas nostri animi, ingenii, consilii partes ipsa sibi ad utilitatem suam pignaretur, tantumque

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Republica.*

nobis in nostrum privatum usum, quantum ipsi superesse posset, remitteret. I, 4.

Nor has our fatherland produced and brought us up, so that she should derive no advantage from us, or that we should regard it as created for our mere convenience — as a place where we may tranquilly while away our useless existence in idleness and sloth. Such is not the proper view in which we should regard our country. She claims from us the mightiest exertions of our mind and of all our powers, and only gives back for our private use what remains of our stock of time after we have been so employed.

Neque enim est ulla res, in qua propius ad deorum numen virtus accedat humana, quam civitates aut condere novas aut conservare jam conditas. I, 7.

Nor is there anything in which the virtues of mankind approach nearer to the gods than when they are employed in founding new commonwealths, and in preserving those already founded.

Mihi omne tempus est ad meos libros vacuum, numquam sunt illi occupati. I, 9.

My books are always at leisure for me, they are never engaged.

Est igitur respublica res populi; populus autem non omnis hominum coetus, quoquo modo congregatus, sed coetus multitudinis juris consensu et utilitatis communione sociatus. I, 25.

A state is the common weal of a people; but a people is not every assembly of men brought together in any way; it is an assembly of men united together by the bonds of just laws, and by common advantages.

Omnis civitas, omnis respublica consilio quodam regenda est, ut diuturna sit. I, 26.

Every state, every commonwealth is to be governed by prudence, if it is to be lasting.

Cum penes unum est omnium summa rerum, regem illum unum vocamus et regnum ejus reipublicae statum. Cum autem est penes delectos, tum illa civitas optimationum arbitrio regi dicitur. Illa autem est civitas popularis, sic enim appellant, in qua in populo sunt omnia. I, 26.

When the government is in the hands of one individual, we call such a man a king and the state a kingdom. When it is in the

hands of a select body, that form of government is aristocratic. *De*
But that state is a republic, so they call it, when everything is *Republica.*
dependent on the people.

Nulla alia civitate, nisi in qua populi potestas summa est, ullum domicilium libertas habet, qua quidem certe nihil potest esse dulcius. I, 31.

In no other state except that in which the power of the people is supreme has liberty any abode, than which nothing assuredly can be more delightful.

Si pecunias aequari non placet, si ingenia omnium paria esse non possunt, jura certe paria debent esse eorum inter se, qui sunt cives in eadem republica. I, 32.

If all cannot be equal in property, if the talents of all cannot be the same, the laws at least should be the same to those who are citizens in the same state.

Si jus suum populi teneant, negant quidquam esse prae-stantius, liberius, beatius, quippe qui domini sint legum, judiciorum, belli, pacis, foederum, capitis unius cujusque, pecuniae. I, 32.

If the people hold the supreme power, they affirm that no form of government is more excellent, more free, more happy, inasmuch as they are the masters of laws, courts, war, peace, leagues, lives, and fortunes of everyone.

Si enim pecunias aequari non placet; si ingenia omnium paria esse non possunt: jura certe paria debent esse eorum inter se, qui sunt cives in eadem republica. I, 32.

If an equal distribution of wealth is unpopular, if equality of intelligence is an impossibility, at least there should be equality before the law among all those who are citizens of the same state.

Nam aequabilitas quidem juris, quam amplexantur liberi populi, neque servari potest: ipsi enim populi, quamvis soluti effrenatique sint, praecipue multis multa tribuunt, et est in ipsis magnus delectus hominum et dignitatum; eaque quae appellatur aequabilitas iniquissima est. I, 34.

For equality of rights, of which a free people is so fond, cannot be maintained; for the very people themselves, though they are their own masters, and perfectly uncontrolled, give up much power to many of their fellow-citizens, showing cringing respect to men

*De
Republica.*

and dignities. That which is called equality is most iniquitous in its acts.

Apud bonum judicem, argumenta plus quam testes valent. I, 34.

In the eyes of a wise judge, proofs by reasoning are of more value than witnesses.

Nam divitiae, nomen, opes vacuae consilio et vivendi atque aliis imperandi modo, dedecoris plenae sunt et insolentis superbiae: nec ulla deformior species est civitatis, quam illa in qua opulentissimi optimi putantur. I, 34.

For riches, great fame, wealth unaccompanied by wisdom and the knowledge of living virtuously and commanding properly, are only the cause of greater disgrace, and of exhibiting insolence in more glaring colors; nor is there any form of state more disgraceful to men than that in which the wealthiest are regarded the noblest.

Si quando aut regi justo vim populus attulerit regnovum eum spoliavit; aut etiam, id quod evenit saepius, optimum sanguinem gustavit, ac totam rempublicam substravit libidini suae; cave putes autem mare ullum aut flammam esse tantam, quam non facilius sit sedare, quam effrenatam insolentia multitudinem. I, 42.

When a people has once treated with violence a just king, or hurled him from his throne, or even—which has often happened—has tasted the blood of the nobles, and subjected the whole commonwealth to their fury, do not be foolish enough to imagine that it would be easier to calm the most furious hurricane at sea, or flames of fire, than to curb the unbridled insolence of the multitude.

Sic tanquam pilam rapiunt inter se reipublicae statum, tyranni ab regibus; ab iis autem principes aut populi; a quibus aut factiones aut tyranni; nec diutius unquam tenetur idem reipublicae modus. I, 44.

Then tyrants snatch the government from kings as in a game of ball; from them the nobles or people in their turn, to whom succeed factious parties or tyrants; nor does the same form of government ever remain for any length of time.

Nimiaque illa libertas et populis et privatis in nimiam servitutem cadit. I, 44.

That excess of liberty, both with nations and individuals, eventuates in an excess of servitude. *De Republica.*

Quod cum ita sit, tribus primis generibus longe praestat mea sententia regium; regio autem ipsi praestabit id, quod erit aequatum et temperatum ex tribus optimis rerum publicarum modis. Placet enim esse quiddam in republica praestans et regale; esse aliud auctoritate principum partum ac tributum; esse quasdam res servatas iudicio voluntatique multitudinis. I, 45.

Since this is so, in my opinion monarchy is by far the best of the three forms; but the monarchical is excelled by that which is made up and formed of the three best kinds of government. In a state there ought to be something super-eminent and royal; another portion of power ought to be assigned to the nobles, and some ought to be reserved for the lower classes.

Nostra autem respublica non unius esset ingenio, sed multorum, nec una hominis vita, sed aliquot constituta seculis et aetatibus. II, I.

Our state did not spring from the brain of one man, but of many; nor was it consolidated in a lifetime, but in the course of generations and centuries.

Est maritimis urbibus quaedam corruptela ac demutatio morum: admiscentur enim novis sermonibus ac disciplinis, et importantur non merces solum adventiciae, sed etiam mores, ut nihil possit in patriis institutis manere integrum. II, 4.

In maritime cities there is a certain corruption and change of habits; for they are intermingling with new modes of speech and manners, and there are imported not only foreign merchandise but manners also, so there is no fixity in the institutions of the country.

Semper in republica tenendum est, ne plurimum valeant plurimi. II, 22.

In a state this rule ought always to be observed, that the greatest number should not have the predominant power.

Ipsium regale genus civitatis non modo non est reprehendendum, sed haud scio an reliquis simplicibus longe anteponendum. II, 23.

*De
Republica.*

A royal form of government is not only not to be found fault with, but I know not whether it is not to be far preferred to other simple forms.

Sine summa justitia rem publicam geri nullo modo posse.
II, 44.

Without the most inflexible justice it is impossible to direct a state.

Justitia praecipit parcere omnibus, consulere generi hominum, suum cuique reddere, sacra, publica, aliena non tangere. III, 12.

Justice commands us to have mercy on all men, to consult for the interests of mankind, to give everyone his due, not to commit sacrilege, and not to covet the goods of others.

Nulla est tam stulta civitas, quae non injuste imperare malit, quam servire juste. III, 18.

There is no community so foolish as not to prefer unlawful dominion to lawful servitude.

Est vera lex recta ratio, naturae congruens, diffusa in omnes, constans, sempiterna, quae vocet ad officium jubendo, a fraude deterreat, quae tamen neque probos frustra jubet aut vetat, nec improbos jubendo aut vetando movet. Huic legi nec abrogari fas est, neque derogari ex hâc aliquid licet, neque tota abrogari potest; nec vero aut per senatum aut per populum solvi hac lege possumus; neque est quaerendus explanator aut interpret ejus alius; nec erit alia lex Romae, alia Athenis, alia nunc, alia posthac, sed et omnes gentes et omni tempore una lex et sempiterna et immutabilis continebit, unusque erit communis quasi magister et imperator omnium deus, ille legis hujus inventor, disceptator, lator; cui qui non parebit, luet maximas poenas, etiamsi cetera supplicia, quae ipse se fugiet, ac naturam hominis aspernatus hoc ipso putantur, effugerit. III, 22.

True law is right reason, in unison with nature, pervading all, never varying, eternal, which summons man to duty by its commands, deters him from fraudulent acts, which, moreover, neither commands nor forbids the good in vain, nor yet affects the bad by commanding or forbidding. It is not allowable to annul this law, nor is it lawful to take anything from it, nor to abrogate it alto-

gether; nor are we able to be released from it, either by the Senate or by the people; nor is there any other expounder or interpreter to be sought; nor will there be one law for Rome, another law for Athens, one law today, another law tomorrow, but one eternal and immutable law for all nations and for all ages, as God the common master and ruler of all—the author, the interpreter, the enforcer of the law—is one. Whoever does not obey it will fly from himself, and despise the nature of man, and by that very circumstance will suffer the severest punishments, though he may escape other things which men are wont to regard as punishments.

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Republica.*

Nullum bellum suscipi a civitate optima, nisi aut pro fide aut pro salute. III, 23.

War should only be undertaken by a highly civilized state to preserve either its religion or its existence.

Vult plane virtus honorem; nec est virtutis ulla alia merces. III, 28.

Virtue truly desires honor; nor is there any other reward of virtue.

In dissensione civili, cum boni plus quam multi valent, expendendos cives, non numerandos puto. VI, 1 [Fragment].

In civil dissensions, where character is worth more than mere numbers, we should, I think, weigh our fellow-citizens, and not count them merely.

Ii vivunt qui ex corporum vinculis, tanquam e carcere, evolaverunt. VI, 14.

Those truly live who have escaped from the fetters of the body, as from a prison.

(SOMNIUM SCIPIONIS)

Sic habeto, omnibus qui patriam conservarint, adjuverint, auxerint, certum esse in coelo ac definitum locum, ubi beati aevo sempiterno fruuntur. Nihil est enim illi principi Deo, qui omnem hunc mundum regit, quod quidem in terris fiat, acceptius, quam concilia, coetusque hominum, jure sociati, quae civitates appellantur; harum rectores et conservatores hinc profecti, huc revertuntur. 3.

*Somnium
Scipionis.*

Be persuaded that there is a certain separate place in heaven for those who have preserved, aided, and ameliorated their country,

*Somnium
Scipionis.*

where they may enjoy happiness to all eternity. For there is nothing on earth which gives more pleasure to that Supreme Being who governs this world, than the meetings and assemblies of men, bound together by social rights, which are called states; the governors and the preservers of these coming thence return to the same place.

Immo vero, inquit, ii vivunt, qui ex corporum vinculis, tamquam e carcere, evolaverunt: vestra vero, quae dicitur vita mors est. 3.

No doubt, replied Scipio, those are alive who have broken loose from the chains of the body as from a prison; your condition—called life—is in truth but death.

Nisi Deus is, cujus hoc templum est omne, quod conspicis, istis te corporis custodiis liberaverit, huc tibi aditus patere non potest. 3.

Unless the God, whose temple the whole of this is which thou beholdest, shall release thee from these bonds of the body, thou canst not enter here.

Quare et tibi, Publi, et piis omnibus retinendus est animus in custodia corporis; nec injussu ejus, a quo ille est vobis datus, ex hominum vita migrandum est, ne munus humanum assignatum a Deo defugisse videamini. 3.

Wherefore, Publius, thou and all the good must keep the soul in the body, nor must men leave this life without the permission of the Being by whom it has been given, lest thou shouldst seem to treat contemptuously the gift of life conferred on thee by the Supreme Being.

Igitur alte spectare si voles, atque hanc sedem, et aeternam domum contueri: neque te sermonibus vulgi dederis, nec in praemiis humanis spem posueris rerum tuarum: suis te oportet illecebris ipsa virtus trahat ad verum decus; quid de te alii loquantur, ipsi videant: sed loquentur tamen. 7.

Therefore, if thou wilt only turn thy eyes upwards, and look to that heavenly abode and eternal dwelling-place, thou wilt pay no regard to the gossip of the vulgar, nor place thy hopes in the rewards of men; virtue by its allurements must attract thee to true honor; what others say of thee let them see to it, yet talk they will.

Tu vero enitere, et sic habeto, non esse te mortalem, sed corpus hoc. Non enim tu is es quem forma ista declarat: sed mens cujusque, is est quisque; non ea figura, quae digito demonstrari potest. Deum te igitur scito esse: siquidem Deus est, qui viget, qui sentit, qui meminit, qui providet, qui tam regit, et moderatur, et movet id corpus, cui praepositus est, quam hunc mundum ille princeps Deus: et ut mundum ex quadam parte mortalem ipse Deus aeternus, sic fragile corpus animus sempiternus movet. 8.

*Somnium
Scipionis.*

Do thou exert thyself, and believe that it is not thou but thy body that is mortal. For thou art not the being whom this figure shows, but the mind is the man, and not the figure which can be pointed at with the finger. Know therefore that thou art a divine being, since it is a Deity in thee which moves, feels, remembers, foresees, rules, and governs that body over which it is placed, in the very same way as the Supreme Being governs this world; and as the Eternal God directs this world, which is in a certain degree mortal, so the never-dying spirit directs the frail body.

DE SENECTUTE

Quibus nihil opis est in ipsis ad bene beateque vivendum, iis omnis gravis est aetas: qui autem omnia bona a se ipsi petunt, iis nihil potest malum videri, quod naturae necessitas afferat. Quo in genere in primis est senectus: quam ut adipiscantur omnes optant, eandem accusant adepti: tanta est inconstantia stultitiae, atque perversitas. Obrepere aiunt eam citius quam putassent. Primum, quis coegit eos falsum putare? qui enim citius adolescentiae senectus, quam pueritiae adolescentia obrepat? Deinde, qui minus gravis esset iis senectus, si octingentesimum annum agerent, quam octogesimum? praeterita enim aetas, quamvis longa, cum effluxisset, nulla consolatione permulcere posset stultam senectutem. 2.

De Senectute.

Every stage of life is a burden to those who have no fund of happiness within themselves: but they who derive all their felicity from this source cannot possibly think anything grievous that proceeds from the stated order of nature. In which class old age may, in a special manner, be ranked: the attainment whereof is the universal wish of mankind; who make it no less the subject of complaint, when obtained. So great is the mutability of their folly and perverseness! It has stolen upon us, say they, sooner

De Senectute. than we could have imagined. But then who obliged them to make a false computation? For how faster, pray, does old age creep upon youth, than youth upon infancy? Again, what less burdensome would old age be, should they live to eight hundred years, than it is at eighty? For the past part of life, however long that may be, can afford no satisfaction to comfort an old age ridiculous in itself.

Quocirca si sapientiam meam admirari soletis, in hoc sumus sapientes, quod naturam optimam ducem tanquam deum sequimur eique paremus. 2.

Wherefore if I have any claim to that wisdom which you are wont to admire, it lies in this, that I follow nature with implicit obedience and resign myself to all her sacred ordinances.

Sed tamen necesse fuit esse aliquid extremum, et tamquam in arborum baccis, terraeque frugibus maturitate tempestiva, quasi vietum, et caducum: quod ferendum est molli-ter sapienti. Quid enim est aliud, gigantum modo bellare cum diis, nisi naturae repugnare? 2.

It was absolutely necessary that some term should be set, and that, as it is with the fruits of trees and of the earth, seasons should be allowed for their springing, growing, ripening, and at last to drop. This wise men will cheerfully submit to; nor could anything else be meant by the stories told of the giants warring against the gods, than men's rebelling against nature and its laws.

Importunitas autem, et inhumanitas omni aetati molesta est. 3.

But a perverse temper and fretful disposition will, wherever they prevail, render any state of life whatsoever unhappy.

Ut Themistocles fertur Seriphio cuidam in iurgio respon-disse, quum ille dixisset non eum sua, sed patriae gloria splendorem assecutum: Nec hercule, inquit, si ego Seriphius essem nobilis; nec tu, si Atheniensis esses, clarus umquam fuisses. 3.

When a certain native of the island of Seriphos told Themistocles in some altercation, that he was indebted for his illustrious fame not to the intrinsic merit of his actions, but to the country in which he had the good fortune to be born, "It may be so," replied the Athenian general, "for if I had been born at Seriphos, I could have had no opportunity of developing my talents; but

permit me to remind you that yours would never have cut any figure though you had been born at Athens." *De Senectute.*

Aptissima omnino sunt, Scipio et Laeli, arma senectutis, artes, exercitationesque virtutum, quae in omni aetate cultae, cum multum, diuque vixeris, mirificos efferunt fructus, non solum quia numquam deserunt, ne in extremo quidem tempore aetatis (quamquam id maximum est), verum etiam quia conscientia bene actae vitae, multorumque benefactorum recordatio, jucundissima est. 3.

But the best armor of old age, Scipio and Laelius, is a well-spent life preceding it; a life employed in the pursuit of useful knowledge, in honorable actions and in the practice of virtue; in which he who labors to improve himself from his youth will in age reap the happiest fruits of them; not only because these never leave a man, not even in the extremest old age, but because a conscience bearing witness that our life was well spent, together with the remembrance of past good actions, yields an unspeakable comfort to the soul.

Pares autem, vetere proverbio, paribus facillime congregantur. 3.

As the old proverb says, like readily consorts with like.

Est etiam quiete et pure et eleganter actae aetatis placida ac lenis senectus. 5.

A life of peace, purity, and refinement leads to a calm and untroubled old age.

"Sicut fortis equus, spatio quae saepe supreme
Vicit Olympia, nunc senio confectus' quiescit."

[Ennius, quoted by Cicero] 5.

Like the stout horse which oft has borne away
The prize, now, weak with age, he rest enjoys.

Temeritas est videlicet florentis aetatis, prudentia senescentis. 6.

Rashness is characteristic of youth, prudence of maturity.

Non viribus, aut velocitatibus, aut celeritate corporum res magnae geruntur: sed consilio, auctoritate, sententia: quibus non modo non orbari, sed etiam augeri senectus solet. 6.

De Senectute.

For it is neither by bodily strength, nor swiftness, nor agility, that momentous affairs are carried on, but by judgment, counsel, and authority, the abilities for which are so far from failing in old age, that they truly increase with it.

Nec vero dubitet agricola, quamvis senex, quaerenti, cui serat, respondere: Diis immortalibus, qui me non accipere modo haec a majoribus voluerunt, sed etiam posteris prodere. 7.

Nor, if you ask one of these men for whom it is he is thus laboring, will he be at any loss to answer thus: "I do it," he will say, "for the immortal gods, who, as they bestowed these grounds on me, require at my hands that I should transmit them improved to posterity, who are to succeed me in the possession of them."

Nemo enim est tam senex, qui se annum non putet posse vivere. 7.

There is no one so old but thinks he can live a year.

Libidinosa etenim, et intemperans adolescentia effoetum corpus tradit senectuti. 9.

A youth of sensuality and intemperance delivers over a worn-out body to old age.

Quid enim est jucundius senectute stipata studiis juvenutis? An ne eas quidem vires senectuti relinquimus, ut adolescentes doceat, instituat, ad omne officii munus instruat? quo quidem opere quid potest esse praeclarius? 9.

Indeed what is there more pleasing than old age encompassed by the vigor of childhood? I suppose it will not be denied that old age possesses the faculties necessary for instructing the youth and training them in every noble duty. What occupation, indeed, could be more splendid than this?

Quod est, eo decet uti: et quicquid agas, agere pro viribus. 9.

What one has, that one ought to use; and whatever we take in hand, we ought to do it with all our might.

Utrum igitur has corporis, an Pythagorae tibi malis vires ingenii dari? denique isto bono utare, dum adsit: cum absit, ne requiras. Nisi forte adolescentes pueritiam,

paullum aetate progressi adolescentiam debeant requirere. *De Senectute.*
 Cursus est certus aetatis, et una via naturae, eaque simplex: suaque cuique parti aetatis, tempestivitas est data; ut et infirmitas puerorum, et ferocitas juvenum, et gravitas jam constantis aetatis, et senectutis maturitas naturale quiddam habeat, quod suo tempore percipi debeat. 10.

Now, if the choice were given you, which would you prefer, Milo's strength of body, or Pythagoras' abilities of mind? In short, while you have strength use it; when it leaves you, no more repine for the want of it, than you did when lads that your childhood was past, or at the years of manhood that you were no longer boys. The stages of life are fixed; nature is the same in all, and goes on in a plain and steady course: every part of life, like the year, has its peculiar season: as children are by nature weak, youth is rash and bold; staid manhood more solid and grave; and so old age in its maturity has something natural to itself that ought particularly to recommend it.

Nec enim unquam sum assensus veteri illi laudatoque proverbio, quod monet, mature fieri senem, si diu velis senex esse. 10.

I have never admitted the truth of the old and accepted saying, which asserts that you will early become an old man, if you have long desired to be one.

Corpora quidem defatigatione, et exercitatione ingravescent; animi autem exercitando levantur. 11.

The body, we know, when over-labored, becomes heavy, and, as it were, jaded; but it is exercise alone that supports the spirits and keeps the mind vigorous.

Ut enim adolescentem, in quo est senile aliquid, sic senem, in quo est aliquid adolescentis, probo; quod qui sequitur, corpore senex esse poterit, animo numquam erit. 11.

As I love to see the ardor of youth somewhat tempered with the gravity of age, so I am equally pleased to see the torpor of age enlivened by the brightness of youth; and he who unites these qualities, though years advance, will remain ever young in spirit.

Pythagoreorum more exercendae memoriae gratia, quid quoque die dixerim, audierim, egerim, commemoro vesperi. 11.

De Senectute. For the purpose of training my memory I have observed the custom of the Pythagoreans in recalling at evening whatever I have said or heard or done in the course of the day.

Ista senilis stultitia, quae deliratio appellari solet, senum levium est, non omnium. 11.

That senile stupidity which we call dotage is not characteristic of all old men, but only of those of small mental capacity.

Voluptas mentis (ut ita dicam) praestringit oculos, nec habet ullum cum virtute commercium. 12.

Pleasure blinds, so to say, the eyes of the mind, and has no fellowship with virtue.

Cumque homini sive natura, sive quis deus nihil mente praestabilius dedisset; huic divino muneri, ac dono nihil esse tam inimicum, quam voluptatem. 12.

It is owned that the most noble and excellent gift of heaven to man is reason; and it is as sure, that of all the enemies reason has to engage with, pleasure is the most capital.

Nullam capitaliorem pestem, quam corporis voluptatem, hominibus dicebat a natura datam: cujus voluptatis avidae libidines, temere, et effrenate ad potiundum incitarentur. Hinc patriae prodiones, hinc rerumpublicarum everisiones, hinc cum hostibus clandestina colloquia nasci. 12.

"The greatest curse," said he, "derived by man from nature is bodily pleasure when the passions are indulged, and strong, inordinate desires are raised and set in motion for obtaining it. For this have men betrayed their country; for this have states and governments been plunged in ruin; for this have treacherous correspondences been held with public enemies."

Sed si aliquid dandum est voluptati, quoniam ejus blanditiis non facile obsistimus (divine enim Plato escam malorum, voluptatem appellat, quod ea videlicet homines capiantur, ut hamo pisces), quamquam immoderatis epulis careat senectus, modicis tamen conviviis delectari potest. 13.

Yet as nature has so ordered it, that pleasure should have a very strong hold on us, and the inclination to it appears deeply founded in our very composition (and it is with too much justice that the divine Plato calls it the bait of evil, by which men are caught as

fish with a hook) ; therefore though age is not taken, nor can well bear with those splendid sumptuous feastings and revels, yet we are not so insensible to the pleasures of life, but that we can indulge ourselves. *De Senectute.*

Venio nunc ad voluptates agrorum, quibus ego incredibiliter delector: quae nec ulla impediuntur senectute, et mihi ad sapientis vitam proxime videntur accedere. 15.

But I am now come to speak of the pleasures of a country life, with which I am infinitely delighted. To these old age never is an obstruction. It is the life of nature, and appears to me the precise course which a wise man ought to follow.

Habet senectus, honorata praesertim, tantam auctoritatem, ut ea pluris sit, quam omnes adolescentiae voluptates. 17.

Old age in a person graced with honors is attended with such respect and authority that the sense of this alone is preferable to all the pleasures youth can enjoy.

Apex est autem senectutis auctoritas. 17.

The crown of old age is authority.

Ut enim non omne vinum, sic non omnis aetas vetustate coacescit. 18.

Neither every wine nor every life turns to vinegar with age.

Avaritia vero senilis quid sibi velit non intelligo. Potest enim quidquam esse absurdius quam quo minus viae restat, eo plus viatici quaerere? 18.

I can never understand avarice in an old man. For what can be more absurd than to add more and more to the provision for your journey as you draw nearer to its end?

Sensi ego in optimo filio, tu in expectatis ad amplissimam dignitatem fratribus, Scipio, mortem omni aetati esse communem. 19.

I in my noble son, you, Scipio, in your brothers, who had given promise of the highest distinction, have felt that death is the common heritage of every age.

O dii boni! quid est in hominis vita diu? da enim supremum tempus: expectemus Tartessorum regis aetatem: fuit enim (ut scriptum video) Arganthonius quidam

De Senectute. Gadibus, qui octoginta regnavit annos, centum et viginti vixit: Sed mihi ne diuturnum quidem quidquam videtur, in quo est aliquid extremum; cum enim id advenit, tunc illud, quod praeteriit, effluxit: tantum remanet, quod virtute, et recte factis consecutus sis; horae quidem cedunt, et dies, et menses, et anni: nec praeteritum tempus unquam revertitur, nec quid sequatur, sciri potest; quod cuique temporis ad vivendum datur, eo debet esse contentus. Neque enim histrioni, ut placeat, peragenda est fabula, modo, in quocumque, fuerit actu, probetur: neque sapienti usque ad *Plaudite* vivendum. Breve enim tempus aetatis satis est longum ad bene, honesteque vivendum. 19.

Yet, O good gods! what is it in life that can be said to be of long duration? Though we should hold it to the utmost extent of age, or admit we should live the days of that Tartessian king (for I have read that one Arganthonius reigned at Cadiz fourscore years, and lived to a hundred and twenty), yet in my opinion nothing can properly be termed lasting that has a certain period fixed: for when that is once come, all the past is over and gone; and in the business of life, when that is run out, nothing remains to us but what results from past good and virtuous actions. The hours, the days, the months, and years, all slide away, nor can the past time ever more return, or what is to follow be foreknown. We ought all to be content with the time and portion assigned us. No man expects of any one actor in the theater that he should perform all the parts of the piece himself: one rôle only is committed to him, and whatever that be, if he acts it well, he is applauded. In the same way, it is not the part of a wise man to desire to be busy in these scenes to the last plaudit. A short term may be long enough to live it well and honorably.

Horae quidem cedunt, et dies et menses et anni; nec praeteritum tempus unquam revertitur, nec quid sequatur sciri potest. 19.

The hours pass by, and the days and months and years; the time that is past never returns, and what is to come none can tell.

Breve enim tempus aetatis, satis longum est ad bene honesteque vivendum. 19.

Our span of life is brief, but it is long enough for us to live well and honestly.

Adolescentes mihi mori sic videntur, ut quam aquae multitudine vis flammae oprimitur; senes autem sic, ut

cum sua sponte, nulla adhibita vi, consumptus ignis *De Senectute*.
exstinguitur. 19.

The death of the young seems to me to resemble the sudden extinction of a flame with volumes of water; the old seem rather to die as a fire which flickers out of itself.

Moriendum enim certe est: et id incertum, an eo ipso die. 20.

No man can be ignorant that he must die, nor be sure that he may not this very day.

Vivendi finis est optimus, cum integra mente ceterisque sensibus opus ipsa suum eadem, quae coagmentavit, natura dissolvit. 20.

The best close to life is when the same nature, which has united, puts a period to its work, while the mind is uninjured and all the other senses are sound.

Nam, dum sumus in his inclusi compagibus corporis, munere quodam necessitatis, et gravi opere perfungimur. Est enim animus coelestis ex altissimo domicilio depressus, et quasi demersus in terram, locum divinae naturae, aeternitatisque contrarium. Sed credo, deos immortales sparsisse animos in corpora humana, ut esent, qui terras tuerentur, quique coelestium ordinem contemplantes, imitarentur eum vitae modo, atque constantiâ. 21.

For while we are closed in these mortal frames, our bodies, we are bound down to a law of necessity, that obliges us with labor and pains to attend to the discharge of the several incumbent duties it requires. But our minds are of a heavenly original, descended from the blissful seats above, thrust down and immersed into these gross habitations of the earth, a situation altogether unsuitable to a divine and eternal nature. But the immortal gods, I believe, thought fit to throw our immortal minds into these human bodies, that the earth might be peopled with inhabitants capable of contemplating and admiring the beauty and order of the heavens, and the whole creation; that from this great exemplar they might form their conduct and regulate their lives, with the like unerring steadiness.

Mihi quidem nunquam persuaderi potuit, animos, dum in corporibus essent mortalibus, vivere; cum existiissent ex iis, emori; nec vero, tum animum esse insipientem, cum ex

De Senectute. insipienti corpore exiiset; sed cum omni admixtione corporis liberatus, purus et integer esse coepisset, tum esse sapientem. 22.

I never, indeed, could persuade myself that souls confined in these mortal bodies can be properly said to live, and that, when they leave them, they die; or that they lose all sense when parted from these vehicles; but, on the contrary, when the mind is wholly freed from all corporeal mixture, and begins to be purified and to recover itself again, then, and then only, it becomes truly knowing and wise.

Atqui dormientium animi maxime declarant divinitatem suam; multa enim, cum remissi, et liberi sunt, futura prospiciunt. Ex quo intelligitur, quales futuri sunt, cum se plane corporis vinculis relaxaverint. 22.

But the soul in sleep, above all other times, gives proofs of its divine nature; for when free and disengaged from the immediate service of the body, it has frequently a foresight of things to come; from whence we may more clearly conceive what will be its state when entirely freed from this bodily prison.

Quod si quis deus mihi largiatur, ut ex hac aetate repueriscam, et in cunis vagiam, valde recusem: nec vero velim, quasi decurso spatio, ad carceres a calce revocari. 23.

But if any god were to grant that at this age I might become a child again and cry in the cradle, I should decidedly refuse, nor should I wish to be recalled from the goal to the starting-post, as if it were a race-course.

Neque me vixisse poenitet: quoniam ita vixi, ut non frustra me natum existimem: et ex vita ita discedo, tamquam ex hospitio, non tamquam ex domo; commorandi enim natura deversorium nobis, non habitandi locum dedit. 23.

For I am not at all regretful that I came into, and have so far passed my course in this world; because I have so lived in it, that I have reason to believe I have been of some use to it; and when the close comes, I shall quit life as I would an inn, and not as a real home. For nature appears to me to have ordained this station here for us, as a place of sojourn, a transitory abode only, and not as a fixed settlement or permanent habitation.

Quod si in hoc erro, quod animos hominum immortales esse credam, lubenter erro; nec mihi hunc errorem, quo

delector, dum vivo extorquere volo. Sin mortuus (ut *De Senectute*. quidam minuti philosophi censent) nihil sentiam: non vereor ne hunc errorem meum philosophi mortui irrideant. 23.

If I am in error in believing that the soul of man is immortal, I err willingly; nor have I any desire, while life lasts, to eradicate the error in which I take delight. But if, after death (as some small philosophers think), I shall feel nothing, I have no fear that those departed philosophers will ridicule my error.

Habet natura, ut aliarum omnium rerum, sic vivendi modum. 23.

Nature has a standard of living, as of everything else.

O praeclarum diem, quum ad illud divinum animorum concilium coetumque proficiscar, quum que ex hac turba et colluvione discedam! Proficiscar enim non ad eos solum viros, de quibus ante dixi, verum etiam ad Catonem meum, quo nemo vir melior natus est, nemo pietate praestantior; cujus a me corpus est crematum—quod contra decuit ab illo meum—animus vero non me deserens, sed respectans, in ea profecto loca discessit, quo mihi ipsi cernebat esse veniendum. 23.

O glorious day when I shall enter that divine company and home of souls, when I shall leave this turmoil and conflux of impurities! for I shall go not only to these men of whom I have just spoken, but also to my Cato, than whom no better man was ever born, no man more eminent in all good works, for whom I performed the last sad rites, when it seemed more fitting that he should mourn for me: whose soul not forgetting me, but often looking back upon me, departed to that place whither it perceived that I, too, soon must come.

EPISTOLAE AD BRUTUM

Nec vero me fugit, quam sit acerbum, parentum scelera filiorum poenis lui. I, 12. *Epistolae Ad Brutum*

It does not escape me that it is a cruel thing that the children should suffer for their parents' misdeeds.

"Rempublicam duabus rebus contineri dixit, praemio et poena." [Solon, quoted by Cicero] I, 15.

A state is regulated by two things, reward and punishment.

*Epistolae
Ad Brutum.*

Quid enim est melius quam memoria recte factorum et libertate contentum negligere humana? I, 16.

What is better than to live in the contentment arising out of freedom and the recollection of duty well performed, careless of the things of this earth?

FRAGMENTA

Fragmenta.

In primoribus habent, ut aiunt, labris.

They have it on the tip of the tongue, as the saying goes.

O fortunatam natam me consule Romam! [*De Suis Temporibus*. Quoted by Juvenal] X, 122.

How fortunate a natal day was thine,
In that late consulate, O Rome, of mine! — (Gifford.)

IN CATILINAM

*In
Catilinam.*

Quousque tandem abutere, Catilina, patientia nostra? Quam diu etiam furor iste tuus nos eludet? Quam ad finem sese effrenata iactabit audacia? I, 1.

When, O Catiline, do you mean to cease abusing our patience? How long is that madness of yours still to mock us? When is there to be an end of that unbridled audacity of yours, swaggering about as it does now?

O tempora! O mores! I, 1.

What times! what morals!

O tempora! O mores! Senatus haec intelligit, consul videt: hic tamen vivit. Vivit? immo, vero etiam in senatum venit. I, 1.

Oh! the degeneracy of the times and their manners! The Senate is aware of these things, the consul sees them, yet this man lives — lives, do I say? — nay, he comes even into the very Senate.

Multorum te etiam oculi et aures non sentientem, sicut adhuc fecerunt, speculabuntur atque custodient. I, 2.

The eyes and ears, too, of many will see and watch you without your being aware, as they have done already.

O dii immortales! ubinam gentium sumus? I, 4.

Ye immortal gods, where in the world are we?

Patria est communis parens omnium nostrum. I, 7.

Our country is the common parent of all.

*In
Catilinam.*

Abiit, excessit, evasit, erupit. II, 1.

He is gone, he has fled, he has eluded our vigilance, he has broken through our guards.

Intus est hostis; cum luxuria nobis, cum amentia, cum scelere certandum est. II, 5.

The enemy is within the gates; it is with our own luxury, our own folly, our own criminality that we have to contend.

Neque enim turpis mors forti viro potest accidere, neque immatura consulari, neque misera sapienti. IV, 2.

Death cannot be dishonorable to the brave man, or premature to him who has held high office, or lamentable to the philosopher.

Multo magis est verendum, ne remissione poenae crudeles in patriam, quam ne severitate animadversionis nimis vehementes in acerbissimos hostes fuisse videamur. IV, 6.

It would be far better to risk appearing vindictive by the severity of the measures taken against our implacable foes, than by remitting their well-deserved punishment to cause injury to the state.

Videor enim mihi videre hanc urbem, lucem orbis terrarum atque arcem omnium gentium, subito uno incendio concidentem. Cerno animo sepulta in patria miseros atque insepultos acervos civium. Versatur mihi ante oculos aspectus Cethegi, et furor in vestra caede bacchantis. Cum vero mihi proposui regnantem Lentulum, sicut ipse ex fatiis se sperasse confessus est, purpuratum esse huic Gabinium, cum exercitu venisse Catilinam, tum lamentationem matrum familias, tum fugam virginum atque puerorum ac vexationem virginum Vestalium perhorresco; et quia mihi vehementer haec videntur misera atque miseranda, idcirco in eos qui ea perficere voluerunt me severum vehementemque praebeo. Etenim quaero, si quis pater familias, liberis suis a servo interfectis, uxore occisa, incensa domo, supplicium de servo non quam acerbissimum sumpserit, utrum is clemens ac misericors, an inhumanissimus et crudelissimus esse videatur? Mihi

In
Catilinam.

vero importunus ac ferreus, qui non dolore et cruciatu nocentis suum dolorem cruciatumque lenierit. Sic nos in his hominibus—qui nos, qui coniuges, qui liberos nostros trucidare voluerunt; qui singulas unius cuiusque nostrum domos et hoc universum rei publicae domicilium delere conati sunt; qui id egerunt, ut gentem Allobrogum in vestigiis huius urbis atque in cinere deflagrati imperi conlocarent,—si vehementissimi fuerimus, misericordes habebimur: sin remissiores esse voluerimus, summae nobis crudelitatis in patriae civiumque perniciæ fama subeunda est. IV, 6.

For I seem to myself to see this city, the light of the world, and the citadel of all nations, suddenly falling by one conflagration. I see in my mind's eye miserable and unburied heaps of citizens in my buried country; the sight of Cethegus and his madness raging amid your slaughter is ever present to my mind's eye. But when I have set before myself Lentulus reigning, as he himself confesses that he had hoped was his destiny, and this Gabinius arrayed in the purple, and Catiline arrived with his army, then I shudder at the lamentation of matrons, and the flight of virgins and of boys, and the insults to the vestal virgins; and because these things appear to me exceedingly miserable and pitiable, therefore I show myself severe and rigorous to those who have wished to bring about this state of things. I ask, forsooth, if any father of a family, supposing his children had been slain by a slave, his wife murdered, his house burnt, were not to inflict on his slaves the severest possible punishment, would he appear clement and merciful, or most inhuman and cruel? To me he would seem unnatural and hard-hearted who did not soothe his own pain and anguish by the pain and torture of the criminal. And so we, in the case of these men who desired to murder us, and our wives, and our children; who endeavored to destroy the houses of every individual among us, and also the Republic, the home of all; who designed to place the nation of the Allobroges on the ruins of this city and on the ashes of the Empire destroyed by fire—if we are very rigorous, we shall be considered merciful; if we choose to be lax, we must endure the reputation of being guilty of the greatest cruelty, to the damage of our country and our fellow-citizens.

Nunc, ante quam ad sententiam redeo, de me pauca dicam. Ego, quanta manus est coniuratorum, quam videtis esse permagnam, tantam me inimicorum multitudinem suscepisse video: sed eam iudico esse turpem et infirmam et abiectam. Quod si aliquando alicuius furore et scelere

concitata manus ista plus valuerit quam vestra ac rei publicae dignitas, me tamen meorum factorum atque consiliorum numquam, patres conscripti, poenitebit. Etenim mors, quam illi fortasse minitantur, omnibus est parata: vitae tantam laudem, quanta vos me vestris decretis honestastis, nemo est adsecutus. Ceteris enim semper bene gesta, mihi uni conservata re publica, gratulationem decrevistis. IV, 10. *In Catilinam.*

Now, before I return to the decision, I will say a few words concerning myself. As numerous as is the band of conspirators—and you see that it is very great—so numerous a multitude of enemies do I see that I have brought upon myself. But I consider them base and powerless and despicable and abject. And if at any time that band shall be excited by the wickedness and madness of anyone, and shall show itself more powerful than your dignity and that of the Republic, yet, O Conscript Fathers, I shall never repent of my actions and of my advice! Death, indeed, which they perhaps threaten me with, is prepared for all men; such glory during life as you have honored me with by your decrees no one has ever attained to. For you have passed votes of congratulation to others for having governed the Republic successfully, but to me alone for having saved it.

IN PISONEM

Vultus totus sermo quidam tacitus mentis est. I.

In Pisonem.

The whole countenance is a certain silent language of the mind.

Abdomini suo natus, non laudi atque gloriae. 17.

Born for the gratification of his appetite and not for the acquisition of glory and honor.

Sua quemque fraus, suum facinus, suum scelus, sua audacia de sanitate ac mente deturbat: hae sunt impiorum furiae, hae flammae, hae faces. 20.

It is a man's own dishonesty, his crimes, his wickedness, and barefaced assurance, that take away from him soundness of mind; these are the furies, these the flames and firebrands of the wicked.

Levitatis est inanem aucupari rumorem. 24.

It is the sign of a trifling character to grasp at fame that is got by silly reports.

In Pisonem. Philosophia, ut fertur, virtutis continet et officii et bene vivendi disciplinam. 29.

Philosophy comprises the understanding of virtue, of duty, and of right living.

Quae quidem laudatio hominis turpissimi mihi ipsi erat paene turpis. 29.

Such praise, coming from so degraded a source, was degrading to me, its recipient.

(Deinde hoc ita fit ut) viri fortes, etiam si ferro inter se cominus decertarint, tamen illud contentionis odium simul cum ipsa pugna armisque ponant. 32.

Brave men, though they have been engaged in mortal combat, lay aside their hatred when they sheathe their swords.

Habet hoc virtus . . . ut species ejus et pulchritudo, etiam in hoste posita, delectet. 32.

There is this to be said of virtue, that its beauty and charm delight us, even in an enemy.

Si quidem potest vi et metu extortum honorarium nominari. 35.

How can we describe as an honorarium what is extorted by force or by fear?

IN VATINIUM

In Vatinium. Quid quisque nostrum de se ipse loquatur, non est, sane, non est requirendum. Boni viri judicent. Id est maxime momenti et ponderis. 4.

What each one of us thinks of himself is really not the question. Let us take the opinion of virtuous men, which will have weight and importance.

IN VERREM

In Verrem. Nihil esse tam sanctum quod non violari, nihil tam munitum quod non expugnari pecunia possit. I, 2.

There is no sanctuary so holy that money cannot profane it, no fortress so strong that money cannot take it by storm.

Nulla est laus ibi esse integrum, ubi nemo est, qui aut *In Verrem*. possit aut conetur corrumpere. I, 16.

There is no cause for glorying in being upright, where no one has the power or is trying to corrupt you.

Omnium est communis inimicus, qui fuit hostis suorum. Nemo unquam sapiens proditori credendum putavit. II, I, 15.

He is a common enemy who has been a foe to his own people. No man of sense has ever considered a traitor worthy of credence.

Nemo unquam sapiens proditori credendum putavit. II, I, 15.

No wise man ever thought that a traitor ought to be trusted.

Nullae sunt occultiores insidiae, quam eae quae latent in simulatione officii aut in aliquo necessitudinis nomine. II, I, 15.

A conspiracy is never more difficult of detection than when it is concealed under a pretense of duty, or of some alleged necessity.

Non modo proditori, sed ne perfugae quidem locus in meis castris cuiquam fuit. II, I, 38.

Not only no traitor, but no deserter even, has ever found a place in my camp.

Jus tam nequam esse Verrinum. II, I, 46.

So nefarious is Verrine justice.

Incertum est, quam longa nostrum cujusque vita futura sit. II, I, 58.

It is uncertain how long the life of each of us will be.

Qui sibi hoc sumit ut corrigat mores aliorum ac peccata reprehendat, quis huic ignoscat, si qua in re ipse ab religione officii declinarit? II, 3, 1.

When a man takes upon himself to correct the manners of his neighbor and to reprove his faults, who will forgive him if he has deviated in the slightest degree from the precise line of his duty?

In Verrem.

Omnia, quae vindicaris in altero, tibi ipsi vehementer fugienda sunt. II, 3, 2.

Everything that thou reprovest in another thou must above all take care that thou art not thyself guilty of.

O consuetudo peccandi! quantam habes jucunditatem improbis et audacibus, quum poena abfuit et licentia consecuta est! II, 3, 76.

Alas, the habit of evil-doing! what pleasure it affords to the depraved and the shameless, when punishment is in abeyance and has been replaced by license.

Ita serpit illud insitum natura malum consuetudine peccandi libera, finem audaciae ut statuere ipse non possit. II, 3, 76.

The evil implanted in man by nature spreads so imperceptibly, when the habit of wrong-doing is unchecked, that he himself can set no limit to his shamelessness.

Totae res rusticae ejusmodi sunt, ut eas non ratio neque labor, sed res incertissimae, venti tempestatesque moderentur. II, 3, 98.

All the results of agriculture are dependent, not so much on reason and diligence, as on those most uncertain of all things, winds and weather.

Cognatio studiorum et artium propemodum non minus est conjuncta quam generis et nominis. II, 4, 37.

A relationship in pursuits and habits is almost as important as the relationship of name and family.

Res sacras non modo manibus attingi, sed ne cogitatione quidem violari fas fuit. II, 4, 45.

Things sacred should not only not be touched with the hands, but may not be violated even in thought.

Civis Romanus sum. II, V, 57.

I am a Roman citizen.

Sua confessione juguletur necesse est. II, 5, 64.

He must be convicted by his own confession.

Tacitae magis et occultae inimicitiae timendae sunt quam *In Verrem* indictae atque apertae, II, 5, 71.

There is more to be feared from unspoken and concealed, than from open and declared hostility.

ORATOR

Prima enim sequentem, honestum est in secundis, ter- *Orator.* tiisque consistere. 1.

When you are aspiring to the highest place, it is honorable to reach the second, or even to linger in the third rank.

Sed ego sic statuo, nihil esse in ullo genere tam pulchrum, quo non pulchrius id sit, unde illud, ut ex ore aliquo, quasi imago, exprimatur, quod neque oculis, neque auribus, neque ullo sensu percipi potest: cogitatione tantum, et mente complectimur. 2.

I am of opinion that there is nothing of any kind so beautiful, but there is something still more beautiful, of which this is the mere image and expression — as a portrait is of a person's face — a something which can neither be perceived by the eyes, the ears, nor any of the senses; we comprehend it merely in the thoughts of our minds.

Nam et grandiloqui, ut ita dicam, fuerunt cum ampla et sententiarum gravitate, et majestate verborum, vehementes, varii, copiosi, graves: ad permovendos, et convertendos animos instructi, et parati: quod ipsum alii aspera, tristi, horrida oratione, neque perfecta, neque conclusa; alii levi, et instructa, et terminata. 5.

For there have been grandiloquent orators, so to speak, impressive and sonorous in their language, vehement, versatile, and copious; well trained and prepared to excite and turn the minds of their audience; while the same effect has been produced by others, by a rude, rough, unpolished mode of address, without finish or delicacy; others, again, have effected the same by smooth, well-turned periods.

Et contra tenues, acuti, omnia docentes, et dilucidiora, non ampliora, facientes, subtili quadam, et pressa oratione limati. In eodemque genere alii callidi, sed impoliti, et consulto rudium similes et imperitorum: alii in eadem

Orator.

jejunitate concinniores, id est, faceti, florentes etiam, et leviter ornati. 6.

On the other hand, there are orators of subtle and acute minds, well educated, making every subject which they treat clear, but adding little in reality to our knowledge, refined and correct in their language. Among these some are crafty, but unpolished, and purposely rude and apparently unskilful; while others exhibit more elegance in their barrenness and want of spirit—that is to say, they are facetious, flowery in their language, and exhibit a shallow polish.

Quae est autem in hominibus tanta perversitas, ut inventis frugibus glande vescantur? 9.

What perversity is this in mankind, that when fruits are to be found they prefer to live on acorns?

Mira est enim quaedam natura vocis: cujus quidem, e tribus omnino sonis, inflexo, acuto, gravi, tanta sit, et tam suavis varietas perfecta in cantibus. 17.

Wonderful indeed is the power of the voice, which, though consisting merely of three sounds—the bass, treble, and tenor—yet possesses great strength and a sweet variety, as is shown in songs.

In omnibus rebus vivendum est, quatenus, etsi enim suis cuique modus est, tamen magis offendit nimium, quam parum. In quo Apelles pictores quoque eos peccare dicebat, qui non sentirent, quid esset satis. 22.

In everything we must consider how far we ought to go, for though everything has its proper medium, yet too much is more offensive than too little. Hence Apelles used to say that those painters committed a fault who did not know what was enough.

Is enim est eloquens, qui et humilia subtiliter, et magna graviter, et mediocria temperate potest dicere. 29.

He is the eloquent man who can treat subjects of a humble nature with delicacy, lofty things impressively, and moderate things temperately.

Omnia profecto quum se a coelestibus rebus referet ad humanas, excelsius magnificentiusque et dicet et sentiet. 34.

When a man turns from the study of divine philosophy to the affairs of humanity, all his thoughts and words will be loftier and nobler.

Nescire autem, quid antea, quam natus sis, acciderit, id *Orator.*
est semper esse puerum. 34.

Not to know what happened before one was born is always to be a child.

Omnium magnarum artium, sicut arborum, altitudo nos delectat, radices stirpesque non item; sed esse illa sine his non potest. 43.

The arts, in their loftier developments, resemble trees, which please us by the height to which they have attained, while we pay no regard to their roots or their trunks; and yet, without the latter, the former could not exist.

Me autem, sive pervagatissimus ille versus, qui vetat,

"Artem pudere proloqui, quam facites,"

dissimulare non sinit, quin delecter. 43.

That very common verse which forbids us "to be ashamed of speaking of the profession which we practice," does not allow me to conceal that I take delight in it.

Nec ego id quod deest antiquitati flagito potius quam laudo quod est; praesertim quum ea majora judicem quae sunt, quam illa quae desunt. 50.

I am quite as ready to praise what is found in antiquity as to blame what is missing; especially as, in my opinion, its qualities outweigh its defects.

Notatio natiorae, et animadversio peperit artem. 55.

Art is born of the observation and investigation of nature.

Necessitatis inventa sunt antiquiora quam voluptatis. 55.

The inventions dictated by necessity are of an earlier date than those of pleasure.

PARADOXA

Nihil est tam incredibile quod non dicendo fiat probabile; *Paradoxa.*
nihil tam horridum, tam incultum, quod non splendescat oratione et tanquam excolatur. *Prooemium.*

There is nothing too incredible to be rendered probable by a skilful speaker; there is nothing so uncouth, nothing so unpolished, that eloquence cannot ennoble and refine it.

Paradoxa.

Nunquam mehercule ego neque pecunias istorum, neque tecta magnifica, neque opes, neque imperia neque eas, quibus maxime adstricti sunt, voluptates in bonis rebus aut expetendis esse duxi: quippe cum viderem, rebus his circumfluentibus ea tamen desiderare maxime, quibus abundarent; neque enim expletur umquam, nec satiatur cupiditatis sitis: neque solum, ea qui habent, libidine augendi cruciantur sed etiam amittendi metu. I, 1.

I have never, by Hercules, considered heaps of money, magnificent palaces, influence in the state, military commands, nor any of those pleasures of which men are particularly fond, as things either good in themselves or to be desired; inasmuch as I saw that those who abounded in them still desired them the most. The thirst of desire is never filled nor fully satisfied; those who possess such things are tormented not only with the wish to increase them, but also with the fear of losing them.

Plus apud me tamen vera ratio valebit quam vulgi opinio. I, 1.

Sound argument will have more weight with me than popular opinion.

Omnia mea porto mecum. [A saying of Bias] I, 1.

I carry all my worldly goods with me.

Nihil est aliud bene et beate vivere, nisi honeste et recte vivere. I, 3.

To live well and happily is nothing else than to live honestly and uprightly.

Mors terribilis est iis, quorum cum vita omnia extinguuntur; non iis, quorum laus emori non potest: exsilium autem illis, quibus quasi circumscriptus est habitandi locus; non iis, qui omnem orbem terrarum, unam urbem esse ducunt. Te miseriae, te aerumnae premunt, qui te beatum, qui florentem putas; tuae libidines te torquent: tu dies, noctesque cruciaris; cui nec sat est, quod est, et idipsum, ne non sit diuturnum, times: te conscientiae stimulant maleficiorum tuorum: te metus exanimant iudiciorum, atque legum: quocumque adspexisti, ut furiae, sic tuae tibi occurrunt injuriae, quae te respirare non sinunt. II, 1.

Death is terrible to those with whose life all things come to an end, not to those whose fame cannot die; but banishment is terrible to those who possess, as it were, a confined and circumscribed

abode; not to those who consider the whole habitable globe as one city. Miseries and calamities press upon thee who thinkest thyself rich and increased with goods. Thy lusts torture thee; thou art tormented night and day; who never considerest enough what thou hast, and even fearest, lest that which thou hast should not continue with thee. The consciousness of thy evil deeds goads thee to madness; the fear of judgment and of the law racks thy mind; wherever thou turnest thy eyes, thy unjust deeds, like furies, meet thee, and do not suffer thee to breathe. *Paradoxa.*

Una virtus est, consentiens cum ratione et perpetua constantia. Nihil huic addi potest, quo magis virtus sit: nihil demi, ut virtutis nomen relinquatur. III, I.

There is but one virtue, which is in consonance with reason and inflexible rectitude. Nothing can be added to this which will increase its claim to the title of virtue: nothing can be subtracted if that title is to remain.

Quis igitur vivit, ut vult, nisi qui recta sequitur, qui gaudet officio, cui vivendi via considerata, atque provisa est? qui legibus quidem non propter metum paret, sed eas sequitur, atque colit, quia id salutare maxime esse iudicat: qui nihil dicit, nihil facit, nihil cogitat denique, nisi libenter, ac libere: cujus omnia consilia, resque omnes, quas gerit, ab ipso proficiscuntur, eodemque feruntur: nec est ulla res, quae plus apud eum polleat, quam ipsius voluntas, atque iudicium: cui quidem etiam (quae vim habere maximam dicitur) Fortuna ipsa cedit: sicut sapiens poëta dixit: "Suis ea cuique fingitur moribus." V, I.

Who therefore lives as he wishes, but the man who leads an upright life, who rejoices in the performance of his duty, who has considered well and thoughtfully the path of life he ought to pursue? who does not submit to the laws from fear, but pays respect and obedience to them because he considers that this is the most proper course; who says, does, and thinks nothing, in short, but of his own will, and freely; all whose plans and all whose acts are derived from and return to himself; nor is there anything which has more authority with him than his own wishes and judgment. Even Fortune herself, which is said to have the greatest power, gives way to him: as the wise poet has said—"A man's fortune has its form given to it by his habits."

Animus hominis dives, non arca appellari solet. Quamvis illa sit plena, dum te inanem videbo, divitem non putabo. VI, I.

Paradoxa.

It is a man's mind and not his money chest which is called rich. Though your coffers be full, while I see you empty, I shall never consider you wealthy.

O dii immortales! non intelligunt homines, quam magnum vectigal sit parsimonia. VI, 3.

Ye immortal gods! men know not how great a revenue economy is.

Contentum vero suis rebus esse, maximae sunt certissimaeque divitiae. VI, 3.

To be content with what one has is the greatest and truest riches.

Etenim si isti callidi rerum aestimatores, prata, et areas quasdam magno aestimant, quod ei generi possessionum minime quasi noceri potest: quanti est aestimanda virtus, quae nec eripi, nec surripi potest unquam: neque naufragio, neque incendio amittitur: nec tempestatum, nec temporum permutatione mutatur? qua praediti qui sunt, soli sunt divites. VI, 3.

For, if those cunning valuers of things prize highly meadows and certain pieces of ground, because such kind of possessions can be but little injured, at what a rate ought virtue to be esteemed, which can neither be taken away nor stolen; nor can we lose it by shipwreck or fire; nor is it to be changed by the power of tempests, or time? those who possess it are alone rich.

PHILIPPICAE

Philippicae.

Fit enim plerumque, ut ii, qui boni quid volunt afferre, affingant aliquid, quo faciant id, quod nuntiant, laetius. I, 3.

For it generally happens that those who wish to tell us good news make some fictitious addition, that the news which they bring us may give us more joy.

Est autem gloria laus recte factorum magnorumque in rempublicam fama meritorum, quae quum optimi cujusque, tum etiam multitudinis testimonio comprobatur. I, 12.

True glory lies in noble deeds, and in the recognition, alike by leading men and by the nation at large, of valuable services rendered to the State.

Beatus est nemo qui ea lege vivit, ut non modo impune, *Philippicae.*
sed etiam cum summa interfectoris gloria interfici potest.
I, 14.

No one is happy who lives such a life that his murder would be
no crime, but would rather redound to the credit of his murderer.

Mihi fere satis est, quod vixi, vel ad aetatem vel ad
gloriam: huc si quid accesserit, non tam mihi quam vobis
reique publicae accesserit. I, 15.

I have lived as long as I desire, in respect both of my years and
of my honors; if my life be prolonged, it will be prolonged less for
myself than for you and the state.

Quid est aliud, tollere e vita vitae societatem, quam tollere
amicorum colloquia absentium? II, 4.

To take the companionship of life from life, what else is it than
to take away the means of absent friends conversing together?

Cedant arma togae. II, 8.

Let the soldiers yield to the civilian.

Quid enim interest inter suasorem facti et probatorem?
II, 12.

What difference is there between him who instigates and him
who approves the crime?

Cui bono fuerit? II, 14.

Whom did it benefit?

Mihi enim omnis pax cum civibus, bello civili utilior vide-
batur. II, 15.

I consider that peace at any price with our fellow-citizens is
preferable to civil war.

Homines, quamvis in turbidis rebus sint, tamen, si modo
homines sunt, interdum animis relaxantur. II, 16.

In whatever trouble men may be, yet so long as they are men,
they must occasionally have their moments of cheerfulness.

Male parta, male dilabuntur. II, 27.

What is dishonestly got vanishes in profligacy.

Philippicae. Tam bonus gladiator rudem tam cito accepit? II, 29.

Has so great a swordsman so early accepted the wooden foil?

Non est ab homine nunquam sobrio postulanda prudentia.
II, 32.

Prudence is not to be expected from a man that is never sober.

Timor non est diuturnus magister officii. II, 36.

Fear is never a lasting teacher of duty.

In publicis nihil est lege gravius: in privatis firmissimum est testamentum. II, 42.

In public affairs there is nothing weightier than law; in private matters nothing more binding than a will.

Et nomen pacis dulce est et ipsa res salutaris, sed inter pacem et servitutem plurimum interest. Pax est tranquilla libertas, servitus postremum malorum omnium, non modo bello, sed morte etiam repellendum. II, 44.

The name of peace is sweet, and the thing itself is salutary, but between peace and slavery there is a wide difference. Peace is undisturbed liberty, slavery is the worst of all evils, to be resisted at the cost of war, nay even of death.

Satis in ipsa conscientia pulcherrimi facti fructus est.
II, 44.

There is a sufficient recompense in the very consciousness of a noble deed.

Fuit in illo ingenium, ratio, memoria, litterae, cura, cogitatio, diligentia: res bello gesserat, quamvis reipublicae, calamitosas, attamen magnas; multos annos regnare meditatus, magno labore, magnis periculis quod cogitarat effecerat: muneribus, monumentis, congiariis, epulis multitudinem imperitam, delenierat: suos praemiis, adversarios clementiae specie devinxerat. Quid multa? attulerat jam liberae civitati partim metu, partim patientia consuetudinem serviendi. [Of Julius Caesar] II, 45.

He had great natural capacity, judgment, memory, and culture; was painstaking, thoughtful, and earnest; his military exploits, though disastrous to his country, were of the first magnitude; he

aimed for many years at the supreme power, and eventually, after great hardships and no little peril, reached the summit of his ambition; he had won the affections of the ignorant populace by means of entertainments, banquets, largesses, and other public benefactions, while he had bound his immediate followers to him by his liberality, his opponents by an appearance of clemency. In a word, he had so revolutionized public feeling, that partly from fear, and partly from acquiescence, a state which prided itself upon its freedom had become accustomed to subjection. *Philippicae.*

Defendi republicum adolescens; non deseram senex; contempsi Catilinae gladios; non pertimescam tuos. Quin etiam corpus libenter obtulerim, si repraesentari morte mea libertas civitatis potest; ut aliquando dolor populi Romani pariat quod jamdiu parturit. Etenim si, abhinc prope annos viginti, hoc ipso in templo, negavi posse mortem immaturam esse consulari, quanto verius nunc negabo seni! Mihi vero, jam etiam optanda mors est, perfuncto rebus iis quas adeptus sum quasque gessi. Duo modo haec opto; unum, ut moriens populum Romanum liberum relinquam; hoc mihi maius a dis immortalibus dari nihil potest: alterum ut ita cuique eveniat ut de republica quisque mereatur. II, 46.

As a youth I defended the state; aged, I will not fail her. I spurned the sword of Catiline; I will not tremble at thine. Nay, I would gladly give my body to death, if that could assure the liberty of our country and help the pains of the Roman people to bring to birth the fruit of its long travail. Why, nearly twenty years ago in this very temple I declared that death could not come too soon for a man who had enjoyed a consulship. With how much more truth shall I declare it in my age! To me death is to be desired; I have finished with those rewards which I gained and those honors which I have achieved. Only these two prayers I make: one, that at my death I may leave the Roman people free (than this nothing greater could be granted by the immortal gods), and, secondly, that every man may so be requited as he may deserve at the hands of the Republic.

Breve tempus longum est imparatis. III, I.

A short time is long enough for those that are unprepared.

O praeclarum custodem ovium, ut aiunt, lupum! III, II.

What a splendid shepherd is the wolf! as the saying goes.

Philippicae. Nihil est detestabilius dedecore, nihil foedius servitute; ad decus et libertatem nati sumus; aut haec teneamus aut cum dignitate moriamur. III, 14.

There is nothing more painful than dishonor, nothing more vile than slavery. We have been born for the enjoyment of honor and liberty; let us either retain these or die with dignity.

Jucundiores autem faciet libertatem servitutis recordatio. III, 14.

Liberty is rendered even more precious by the recollection of servitude.

Quamquam omnia alia incerta sunt, caduca, mobilia: virtus est una altissimis defixa radicibus, quae nunquam ulla vi labefactari potest, nunquam demoveri loco. IV, 5.

While all other things are uncertain, evanescent, and ephemeral, virtue alone is fixed with deep roots; it can neither be overthrown by any violence or moved from its place.

Nervos belli; pecuniam. V, 2.

Money, the sinews of war.

Minimis momentis maximae inclinationes temporum fiunt. V, 10.

The most important events are often determined by very trivial influences.

Omne malum nascens facile opprimitur: inveteratum fit plerumque robustius. V, 11.

Every evil at its birth is easily suppressed; but, if it be of long standing, it will offer a stouter resistance.

Plerisque in rebus gerendis tarditas et procrastinatio odiosa est. VI, 3.

In the management of most things slowness and procrastination are hateful.

Aliae nationes servitutem pati possunt; populi Romani res est propria libertas. VI, 7.

Other nations may be able to endure slavery; but liberty is the very birthright of the Roman people.

Si pace frui volumus, bellum gerendum est; si bellum omit- *Philippicae.*
timus, pace nunquam fruemur. VII, 6.

If we desire to enjoy peace, we must first wage war; if we shrink from war, we shall never enjoy peace.

Cavete, per deos immortales! patres conscripti, ne spe
praesentis pacis perpetuam pacem amittatis. VII, 8.

For heaven's sake beware, lest in the hope of maintaining peace now, we lose the chance of a lasting peace hereafter.

Summi gubernatores in magnis tempestatibus a vectoribus
admoneri solent. VII, 9.

Even the ablest pilots are willing to receive advice from passengers in tempestuous weather.

Scelerum promissio et iis, qui expectant, pernicio est et
iis, qui promittunt. VIII, 3.

The promise of what is unjust brings evil both on those who are expecting it, and on those who make the promise.

In corpore si quid ejusmodi est, quod reliquo corpori
noceat, id uri secarique patimur, ut membrum aliquod
potius quam totum corpus intereat: sic in reipublicae cor-
pore, ut totum saluum sit, quidquid est pestiferum ampu-
tetur. VIII, 5.

If in the body there is anything of such a nature as to be injuri-
ous to the rest of the body, we permit it to be burnt out, or cut
away, preferring to lose one of the members, rather than the whole
body; so in the body politic, that the whole may be preserved, it is
necessary to amputate whatever is noxious.

Turpis autem fuga mortis omni est morte pejor. VIII, 10.

Dishonorable flight from death is worse than any death.

Vita enim mortuorum in memoria est posita vivorum.
IX, 5.

The dead live in the memory of the living.

Est enim sapientis, quidquid homini accidere possit, id
praemeditari ferendum modice esse, si advenerit: majoris
omnino est consilii, providere, ne quid tale accadat, sed
animi non minoris, fortiter ferre, si evenierit. XI, 3.

Philippicae.

The wise should recollect that every event of life must be borne with patience, but it shows a still higher character to anticipate and prevent coming evils, though it is not less noble to bear them with fortitude when they have overtaken us.

Nam, quo major vis est animi, quam corporis, hoc sunt graviora ea, quae concipiuntur animo quam illa, quae corpore. XI, 4.

For even as the strength of the mind surpasses that of the body, so also the sufferings of the mind are more severe than the pains of the body.

Duas tamen res, magnas praesertim, non modo agere uno tempore, sed ne cogitando quidem explicare quisquam potest. XI, 9.

It is impossible, either in action or in thought, to attend to two things at once, especially if they are of any importance.

Est enim lex nihil aliud nisi recta et a numine deorum tracta ratio, imperans honesta, prohibens contraria. XI, 12.

What is law but a divinely inspired ethical system, inculcating morality, and forbidding all that is opposed thereto?

Nihil enim semper floret; aetas succedit aetati. XI, 15.

Nothing maintains its bloom forever; age succeeds to age.

Cujusvis hominis est errare: nullius, nisi insipientis, in errore perseverare. XII, 2.

Every man may err, but no man who is not a fool may persist in error.

Postiores cogitationes, ut aiunt, sapientiores solent esse. XII, 2.

Second thoughts, they say, are generally best.

Optimus est portus poenitenti mutatio consilii. XII, 2.

The safest haven for the penitent is altered conduct.

Qui multorum custodem se profiteatur, eum sapientes sui primum capitis aiunt custodem esse oportere. XII, 10.

The wise say that he to whose care the safety of many is entrusted must first show that he can take care of himself.

Neque enim quod quisque potest, id ei licet, nec si non *Philippicae*.
obstatur, propterea etiam permittitur. XIII, 6.

It is not the case that whatever is possible to a man is also lawful, nor is a thing permitted simply because it is not forbidden.

O miser, quum re, tum hoc ipso, quod non sentis quam miser sis. XIII, 17.

O miserable man, both in fact, and in this also, that you know not how miserable you are!

Postremum omnium maximam turpitudinem suscipere vitae cupiditate. XIII, 21.

The worst of all is to incur the greatest disgrace as a result of a desire of life.

O fortunata mors, quae naturae debita pro patria est potissimum reddita! XIV, 12.

Happy the death of him who pays the debt of nature for his country's sake.

In fuga foeda mors est; in victoria gloriosa. XIV, 12.

In flight death is disgraceful; in victory, glorious.

Brevis a natura nobis vita data est; at memoria bene redditae vitae sempiterna. XIV, 12.

Short is the life which nature has given us: but the memory of a life nobly laid down is eternal.

POST REDITUM IN SENATU

Etenim ulciscendae injuriae facilius ratio est, quam beneficii remunerandi, propterea quod superiorem esse contra improbos, minus est negotii, quam bonis exaequari. I, 9. *Post Reditum In Senatu.*

We can more easily avenge an injury than requite a kindness; for this reason: that there is less difficulty in getting the better of the wicked than in making one's self equal with the good.

Omnium gentium facile princeps. II, 3.

Easily the leader among the nations.

PRO ARCHIA

Pro Archia. Omnes artes quae ad humanitatem pertinent, habent quoddam commune vinculum, et quasi cognatione quadam inter se continentur. 1.

All the arts which belong to humanity have a common bond of union, and, so to say, relationship.

An tu existimas aut suppetere nobis posse, quod quotidie dicamus in tanta varietate rerum, nisi animos nostros doctrina excolamus, aut ferre animos tantam posse contentionem, nisi eos doctrina eadem relaxemus? 6.

Do you imagine that I could find materials for my daily speeches on such a variety of subjects, if I did not improve my mind by literary pursuits; or that I could bear up against such a strain, if I did not relieve it occasionally by philosophical inquiries?

Nam, nisi multorum praeceptis, multisque literis mihi ab adolescentia suasissem, nihil esse in vita magnopere expetendum, nisi laudem atque honestatem, in ea autem persequenda omnes cruciatus corporis, omnia pericula mortis atque exilii, parvi esse ducenda: nunquam me pro salute vestra in tot ac tantas dimicationes, atque in hos profligatorum hominum quotidianos impetus objecissem. 6.

For, if, from my youth upwards, I had not been thoroughly convinced by the precepts of many philosophers, and by my own literary investigations, that there is nothing in this life really worthy of being desired except glory and honor, and that, in the pursuit of these, even bodily torture, death, and banishment are of little account, I should never, in your defense, have thrown myself into so many and such severe struggles, nor exposed myself to the daily attacks of these abandoned citizens.

Etiam illud adjungo, saepius ad laudem atque virtutem naturam sine doctrina, quam sine natura valuisse doctrinam. 7.

I add this also, that nature without education has oftener raised man to glory and virtue, than education without natural abilities.

Nam ceterae neque temporum sunt, neque aetatum omnium, neque locorum: haec studia adolescentiam agunt

senectutem oblectant, secundas res ornant, adversis perfugium ac solatium praebeant, delectant domi, non impediunt foris, pernoctant nobiscum, peregrinantur, rusticantur. 7. *Pro Archia.*

For the other employments of life do not suit all times, ages, or places; whereas literary studies employ the thoughts of the young, are the delight of the aged, the ornament of prosperity, the comfort and refuge of adversity, our amusement at home, no impediment to us abroad, employ our thoughts on our beds, attend us on our journeys, and do not leave us in the country.

Atqui sic a summis hominibus eruditissimisque accepimus, ceterarum rerum studia, et doctrina, et praeceptis, et arte constare; poëtam natura ipsa valere, et mentis viribus excitari, et quasi divino quodam spiritu inflari. Quare suo jure noster ille Ennius sanctos appellat poëtas, quod quasi deorum aliquo dono atque munere commendati nobis esse videantur. Sit igitur, judices, sanctum apud vos, humanissimos homines, hoc poëtae nomen, quod nulla umquam barbaria violavit. Saxa et solitudines voci respondent; bestiae saepe immanes cantu flectuntur atque consistunt: nos instituti rebus optimis non poëtarum voce moveamur? 8.

I have always learned from the noblest and wisest of men, that a knowledge of other things is acquired by learning, rules, and art, but that a poet derives his power from nature herself—that the qualities of his mind are given to him, if I may say so, by divine inspiration. Wherefore rightly does Ennius regard poets as under the special protection of heaven, because they seem to be delivered over to us as a beneficent gift by the gods. Let then, judges, this name of poet, which even the very savages respect, be sacred in your eyes, men as you are of the most cultivated mind. Rocks and deserts re-echo to their voice; even the wildest animals turn and listen to the music of their words; and shall we, who have been brought up to the noblest pursuits, not yield to the voice of poets?

Quam multos scriptores rerum suarum magnus ille Alexander secum habuisse dicitur? Atque is tamen, quum in Sigeo ad Achillis tumulum adstisset, "O fortunate," inquit, "adolescens, qui tuae virtutis Homerum praeconem inveneris." Et vere: nam, nisi Ilias illa exstisset, idem

Pro Archia. tumulus, qui corpus ejus contexerat, nomen etiam obruisset. 10.

How many historians is Alexander the Great said to have had with him to transmit his name to posterity? And yet, as he stood on the promontory of Sigeum by the tomb of Achilles, he exclaimed: "O happy youth, who found a Homer to herald thy praise!" And with reason did he say so; for if the *Iliad* had never existed, the same tomb which covered his body would also have buried his name.

Trahimur omnes laudis studio, et optimus quisque maxime gloria ducitur. 11.

We are all excited by the love of praise, and it is the noblest spirits that feel it most.

Ipsi illi philosophi etiam illis libellis, quos de contemnenda gloria scribunt, nomen suum inscribunt; in eo ipso in quo praedicationem nobilitatemque despiciunt, praedicari de se, ac nominari volunt. 11.

Even those very philosophers who write treatises on the despising of fame put their names on the title-page; in the very place in which they deprecate self-advertisement and notoriety they take steps to have themselves advertised and gain notoriety.

Nullam enim virtus aliam mercedem laborum periculisque desiderat, praeter hanc laudis et gloriae, qua quidem detracta, judices, quid est, quod in hoc tam exiguo vitae curriculo, et tam brevi, tantis nos in laboribus exerceamus? Certe, si nihil animus praesentiret in posterum, et si, quibus regionibus vitae spatium circumscriptum est, eisdem omnes cogitationes terminaret suas, nec tantis se laboribus frangeret, neque tot curis vigilisque angeretur, neque toties de vita ipsa dimicaret. Nunc insidet quaedam in optimo quoque virtus, quae noctes et dies animum gloriae stimulis concitat, atque admonet, non cum vitae tempore esse dimittendam commemorationem nominis nostri, sed cum omni posteritate aequandam. 11.

For virtue wants no other reward for all the labors and dangers she undergoes, except what she derives from praise and glory; if this be denied to her, O judges, what reason is there why we should devote ourselves to such laborious pursuits, when our life is so brief, and its course narrowed to so small a compass? As-

surely, if our minds were not allowed to look forward to the future, and if all our thoughts were to be terminated with our life, there would be no reason why we should wear out ourselves with labors, submit to all the annoyances of cares and anxiety, and fight so often even for our very lives. In the noblest there resides a certain virtuous principle, which day and night stimulates a man to glorious deeds, and warns him that the recollection of our names is not to be terminated by time, but must be made boundless as eternity. *Pro Archia.*

An vero tam parvi animi videamur esse omnes, qui in republica, atque in his vitae periculis laboribusque versamur, ut, cum usque ad extremum spatium, nullum tranquillum atque otiosum spiritum duxerimus, nobiscum simul moritura omnia arbitremur? 7.

Are we all of us so poor in spirit as to think after toiling for our country and ourselves, though we have not had one moment of ease here upon earth, that when we die all things shall die with us?

Omnia quae gerebam, ut sapientissimi homines putaverunt, ad aliquam animi mei partem pertinebunt; nunc quidem certe cogitatione quadam speque delector. 12.

Everything in which I have been engaged in this world, as the wisest of men think, will be regarded in after-ages as belonging to my soul; at present, at all events, I delight myself with such thoughts and hopes.

Qua re conservate, iudices, hominem pudore eo, quem amicorum videtis comprobari cum dignitate tum etiam vetustate; ingenio autem tanto, quantum id convenit existimari, quod summorum hominum ingeniis expetitur esse videatis; causa vero eius modi, quae beneficio legis, auctoritate municipi, testimonio Luculli, tabulis Metelli comprobetur. Quae cum ita sint, petimus a vobis, iudices, si qua non modo humana, verum etiam divina in tantis ingeniis commendatio debet esse, ut eum qui vos, qui vestros imperatores, qui populi Romani res gestas semper ornavit, qui etiam his recentibus nostris vestrisque domesticis periculis aeternum se testimonium laudis daturum esse profitetur, estque ex eo numero qui semper apud omni sancti sunt habiti itaque dicti, sic in vestram accipiat fidem, ut

Pro Archia. humanitate vestra levatus potius quam acerbitate violatus esse videatur. 12.

Preserve then, O judges, a man of such virtue as that of Archias, which you see testified to, not only by the worth of his friends, but by the length of time during which they have been such to him; and of such genius as you ought to think is his, when you see that it has been sought by most illustrious men. And his cause is one which is approved by the benevolence of the law, by the authority of his municipality, by the testimony of Lucullus, and by the documentary evidence of Metellus. And as this is the case, we do entreat you, O judges, if there may be any weight attached, I will not say to human, but even to divine recommendation in such important matters, to receive under your protection that man who has at all times done honor to your generals and to the exploits of the Roman people; who even in these recent perils of our own, and in your domestic dangers, promises to give an eternal testimony of praise in our favor, and who forms one of that band of poets who have at all times and in all nations been considered and called holy, so that he may seem relieved by your humanity, rather than overwhelmed by your severity.

PRO CAECINA

Pro Caecina. Non dubium quin major adhibita vis ei sit, cujus animus sit perterritus, quam illi, cujus corpus vulneratum sit. 15.

There is no doubt that you can apply stronger pressure to a man whose mind is unhinged by fear, than to one who is only suffering from bodily injuries.

Quia voluntas tacitis nobis intelligi non potest, verba reperta sunt, non quae impedirent, sed quae indicarent voluntatem. 18.

Because our intentions cannot be made out if we be silent, words have been invented not to be a curb, but to point them out.

Jus civile neque inflecti gratia neque perfringi potentia, neque adulterari pecunia debet. 26.

The administration of justice ought neither to be warped by favor, nor broken through by the power of the noble, nor bought by money.

Hic est mucro defensionis meae. 29.

This is the point of my defense.

PRO CAELIO

Aliud est male dicere, aliud accusare. Accusatio crimen desiderat, rem ut definiat, hominem ut notet, argumento probet, teste confirmet. Maledictio autem nihil habet propositi praeter contumeliam. 3. *Pro Caelio.*

To slander is one thing, to accuse another. Accusation implies definition of the charge, identification of the person, proof by argument, confirmation by witnesses. Slander has no other object than the injury of a reputation.

Multi summi homines fuerunt, quorum, cum adolescentiae cupiditates defervissent, eximiae virtutes firmatâ jam aetate extiterunt. 18.

There have been many most illustrious men who, when their youthful passions had cooled down, displayed in mature age the most exalted virtues.

Vitium ventris et gutturis non modo non minuit aetas hominibus sed etiam auget. 19.

The appetites of the belly and the throat are so far from diminishing in men by time that they go on increasing.

Hinc illae lacrimae! 25.

Hence were those tears, and hence all that compassion.

O magna vis veritatis, quae, contra hominum ingenia, caliditatem, sollertiam, contraque fictas omnium insidias, facile se per se ipsa defendat! 26.

Great is the might of Truth, against whom shall be arrayed the intelligence, the cunning, the ingenuity of man, the well-laid plots of the whole world, yet she will with ease defend herself.

Insolentia voluptatum, quae cum inclusae diutius, et prima aetate compressae et constrictae fuerunt, subito se nonnunquam profundunt, atque ejiciunt universae. 31.

He was not accustomed to pleasures; which, when they are pent up for a long while and have been curbed and kept down in the early period of youth, sometimes burst forth suddenly and overthrow every obstacle.

Pro Caelio. Studia in adolescentia tanquam in herbis significant quae virtutis maturitas et quantae fruges industriae sint futurae. 31.

The desires in the young, as in herbs, point out what will be the future virtues of the man, and what great crops are likely to reward his industry.

PRO C. RABIRIO

Pro C. Rabirio. Hoc plerumque facimus ut consilia eventis ponderemus, et, cui bene quid processerit, multum illum providisse, cui secus, nihil sensisse dicamus. Postumo, 1.

Men usually judge of the prudence of a plan by the result, and are very apt to say that the successful man has had much forethought, and the unsuccessful has shown great want of it.

Etenim, Quirites, exiguum nobis vitae curriculum natura circumscripit, immensum gloriae. Perduellionis, 10.

Nature has circumscribed the field of life within small limits, but has left the field of glory unmeasured.

PRO CLUENTIO

Pro Cluentio. Facile princeps. 5.
Easily first.

Facile intelligo non modo reticere homines parentum injurias, sed etiam animo aequo ferre oportere.

I am quite aware that men ought not only to be silent about the injuries which they suffer from their parents, but even to bear them with patience.

Sapientissimum esse dicunt eum, cui quod opus sit ipsi veniat in mentem: proxime accedere illum, qui alterius bene inventis obtemperet. In stultitia contra est. Minus enim stultus est is, cui nihil in mentem venit, quam ille, qui quod stulte alteri venit in mentem comprobatur. 31.

The wisest man, they say, is he who can himself devise what is needful to be done; next comes he who will follow the sage counsels of another. The opposite holds good in folly; for he is less foolish who never has an idea of his own than he who approves the foolish ideas of others.

Ex quo intelligi potuit id, quod saepe dictum est; ut mare, quod sua natura tranquillum sit, ventorum vi agitari atque turbari; sic et populum Romanum sua sponte esse placatum, hominum seditiosorum vocibus, ut violentissimis tempestatibus, concitari. 49. *Pro Cluentio.*

Hence that was easily understood, which has been often said, that as the sea, which is calm when left to itself, is excited and turned up by the fury of the winds, so, too, the Roman people, of itself placable, is easily roused by the language of demagogues as by the most violent storms.

Mens et animus et consilium et sententia civitatis posita est in legibus. Ut corpora nostra sine mente, sic civitas sine lege, suis partibus, ut nervis et sanguine et membris, uti non potest. 53.

The mind and the soul, the judgment and the purpose of a state are centered in its laws. As a body without mind, so a state without law can make no use of its organs, whether sinews, blood, or limbs.

PRO CORNELIO BALBO

Est haec saeculi labes quaedam et macula virtuti invidere, velle ipsum florem dignitatis infringere. 6. *Pro Cornelio Balbo.*

It is the stain and disgrace of this age to envy virtue, and to be anxious to crush the budding flower of dignity.

Adsiduus usus uni rei deditus et ingenium et artem saepe vincit. 20.

Constant devotion to one particular line of business often proves superior to genius and art.

Sit hoc discrimen inter gratiosos cives atque fortes, ut illi vivi fruuntur opibus suis; horum etiam mortuorum (si quisquam hujus imperii defensor mori potest) vivat auctoritas immortalis. 21.

Let us make this distinction between the citizen who is merely popular, and the citizen who is a power in the state: the former will enjoy his advantages in his lifetime, the latter will leave behind him after death (if indeed any supporter of our Empire can be said to die) a deathless authority.

Pro Cornelio Balbo.

Non esse inconstantis puto, sententiam aliquam, tanquam aliquod navigium, atque cursum, ex reipublicae tempestate moderari. 27.

I deem it no proof of inconsistency to regulate our opinions as we would a ship and a ship's course on a voyage, according to the weather which might be prevailing in the commonwealth.

PRO DOMO SUA

Pro Domo Sua.

Vi et armis. 24.

By force of arms.

Quid est sanctius, quid omni religione munitius, quam domus uniuscujusque civium? hoc perfugium est ita sanctum omnibus, ut inde abripi neminem fas sit. 41.

What is more sacred, what more closely fenced round with every description of religious reverence than the house of every individual citizen? This is the asylum of everyone, so holy a spot that it is impious to drag anyone from it.

O tempora, o mores! 53.

What times! what morals!

PRO FLACCO

Pro Flacco.

Quum in theatro imperiti homines, rerum omnium rudes ignarique, consederant; tum bella inutilia suscipiebant, tum seditiosos homines reipublicae praeficiebant, tum optime meritos cives e civitate ejiciebant. 7.

Whenever the assembly has been filled by untried men, without experience or knowledge of affairs, the result has been that useless wars have been undertaken, that agitators have seized the reins of power, and that the worthiest citizens have been driven into exile.

In hominem dicendum est igitur, quum oratio argumentationem non habet. 10.

We must make a personal attack, when there is no argumentative basis for our speech. "When you have no case, abuse the plaintiff's attorney."

PRO LEGE MANILIA

Maiores nostri saepe mercatoribus aut naviculariis nostris iniuriosius tractatis bella gesserunt: vos, tot milibus civium Romanorum uno nuntio atque uno tempore necatis, quo tandem animo esse debetis? Legati quod erant appellati superbius, Corinthum patres vestri totius Graeciae lumen extinctum esse voluerunt: vos eum regem inultum esse patiimini, qui legatum populi Romani consularem vinculis ac verberibus atque omni supplicio excruciatum necavit? Illi libertatem imminutam civium Romanorum non tulerunt: vos ereptam vitam neglegetis? ius legationis verbo violatum illi persecuti sunt: vos legatum omni supplicio interfectum relinquetis? Videte ne, ut illis pulcherrimum fuit tantam vobis imperi gloriam tradere, sic vobis turpissimum sit, id quod accepistis tueri et conservare non posse. 5.

Pro Lege Manilia.

Your ancestors have often waged war on account of their merchants and seafaring men having been injuriously treated. What ought to be your feelings when so many thousand Roman citizens have been put to death by one order and at one time? Because their ambassadors had been spoken to with insolence, your ancestors determined that Corinth, the light of Greece, should be destroyed. Will you allow that king to remain unpunished, who has murdered a lieutenant of the Roman people of consular rank, having tortured him with chains and scourging and every sort of punishment? They would not allow the freedom of Roman citizens to be diminished; will you be indifferent to their lives being taken? They avenged the privileges of our embassy when they were violated by a word; will you abandon our ambassador who has been put to death with every sort of cruelty? Take care lest, as it was a most glorious thing for them, to leave you such wide renown and such powerful empire, it should be a most discreditable thing for you not to be able to defend and preserve that which you have received.

Etenim si vectigalia nervos esse rei publicae semper duximus, eum certe ordinem, qui exercet illa, firmamentum ceterorum ordinum recte esse dicemus. Deinde ex ceteris ordinibus homines gnavi atque industrii partim ipsi in Asia negotiantur, quibus vos absentibus consulere debetis, partim eorum in ea provincia pecunias magnas conlocatas habent. Est igitur humanitatis vestrae magnum numerum

*Pro Lege
Manilia.*

eorum civium calamitate prohibere, sapientiae videre multorum civium calamitatem a re publica seiunctam esse non posse. Etenim primum illud parvi refert, nos publica his amissis [vectigalia] postea victoria recuperare. Neque enim isdem redimendi facultas erit propter calamitatem, neque aliis voluntas propter timorem. Deinde quod nos eadem Asia atque idem iste Mithridates initio belli Asiatici docuit, id quidem certe calamitate docti memoria retinere debemus. Nam tum, cum in Asia res magnas permulti amiserant, scimus Romae, solutione impedita, fidem concidisse. Non enim possunt una in civitate multi rem ac fortunas amittere, ut non plures secum in eandem trahant calamitatem. 7.

In truth, if we have always considered the revenues as the sinews of the state, certainly we shall be right if we call that order of men which collects them, the prop and support of all the other orders. In the next place, clever and industrious men, of all the other orders of the state, are some of them actually trading themselves in Asia, and you ought to show a regard for their interests in their absence; and others of them have large sums invested in that province. It will, therefore, become your humanity to protect a large number of those citizens from misfortune; it will become your wisdom to perceive that the misfortune of many citizens cannot be separated from the misfortune of the Republic. In truth, firstly, it is of but little consequence for you afterwards to recover for the publicans revenues which have been once lost; for the same men have not afterwards the same power of contracting for them, and others have not the inclination, through fear. In the next place, that which the same Asia, and the same Mithridates taught us, at the beginning of the Asiatic war, that, at all events, we, having learnt by disaster, ought to keep in our recollection. For we know then, when many had lost large fortunes in Asia, all credit failed at Rome, from payments being delayed. For it is not possible for many men to lose their property and fortunes in one city without drawing many along with them into the same vortex of disaster.

PRO LIGARIO

Pro Ligario. Habes igitur, Tubero, quod est accusatori maxime optandum, confitentem reum. 1.

You have, therefore, Tubero, what a prosecutor most desires, a defendant who pleads guilty.

Te enim dicere audiebamus, nos omnes adversarios putare, *Pro Ligario.*
nisi qui nobiscum essent: te omnes qui contra te non essent
tuos. 11.

We heard you say that we reckon as adversaries all those who are not with us, while you count as friends all those who are not against you.

Homines enim ad deos nulla re propius accedunt quam salutem hominibus dando. 12.

At no time does man approach more nearly to the gods than when engaged in the rescue of his fellow-man.

PRO MARCELLO

Fortuna rerum humanarum domina. 2.

*Pro
Marcello.*

Fortune is the ruler of human affairs.

Animum vincere, iracundiam cohibere, victoriam temperare, adversarium nobilitate, ingenio, virtute praestantem, non modo extollere jacentem, sed etiam amplificare ejus pristinam dignitatem; haec qui faciat, non ego eum cum summis viris comparo, sed simillimum deo judico. 3.

To conquer our inclinations, to curb our angry feelings, to be moderate in the hour of victory, not merely to raise a fallen adversary, distinguished for noble birth, genius, and virtue, but even to increase his previous dignity; these actions are of such a nature, that he who does them, I would compare not with the most illustrious of men but with God himself.

Victoria natura est insolens et superba. 3.

Victory is by nature insolent and haughty.

Nihil est opera aut manu factum, quod aliquando non conficiat et consumat vetustas. 41.

There is nothing done by the labor and hands of man which sooner or later lapse of time does not bring to an end and destroy.

PRO MILONE

Negant intueri lucem esse fas ei, qui a se hominem occisum esse fateatur. 3. *Pro Milone.*

They say that it is unlawful for one to live who confesses that he has slain a man.

Pro Milone. Est igitur haec non scripta sed nata lex; quam non didicimus, accepimus, legimus, verum ex natura ipsa arripuimus, hausimus, expressimus; ad quam non docti, sed facti, non instituti sed imbuti sumus. 4.

This, therefore, is a law not found in books, but written on the fleshly tablets of the heart, which we have not learned from man, received or read, but which we have caught up from nature herself, sucked in and imbibed; the knowledge of which we were not taught, but for which we were made: we received it not by education, but by intuition.

Silent enim leges inter arma. 4.

Among drawn swords law is silent.

Non alio facinore clari homines, alio obscuri necantur. 7.

We do not inflict the death penalty for one crime on men of note, and for another on men of no position.

Principum munus est resistere levitati multitudinis. 8.

It is the duty of men of high rank to oppose the fickle disposition of the multitude.

Vi victa vis. 11.

Force overcome by force.

Nihil est enim tam molle, tam tenerum, tam aut fragile aut flexibile, quam voluntas erga nos, sensusque civium: qui non modo improbitati irascuntur candidatorum, sed etiam in recte factis saepe fastidiunt. 16.

There is nothing so susceptible, so tender, so easily broken or bent, as the good will and friendly disposition towards us of our fellow-citizens. Not only are they alienated by any want of uprightness on the part of those seeking their suffrages, but at times even they take exception to what has been rightfully done.

Quis ignorat maximam illecebram esse peccandi impunitatis spem? 16.

We all know that the greatest incentive to crime is the hope of impunity.

Res loquitur ipsa, iudices, quae semper valet plurimum. 20.

Judges, the case speaks for itself, than which there is no more powerful advocacy.

Magna vis est conscientiae, iudices, et magna in utramque partem; ut neque timeant, qui nihil commiserint, et poenam semper ante oculos versari putent, qui peccarint. 23. *Pro Milone.*

Great, O judges, is the power of conscience, and in more ways than one; for it frees the innocent from all fear, and keeps ever before the eyes of the guilty the dread of punishment.

Homines non modo res praeclarissimas obliviscuntur, sed etiam nefarias suspicantur. 23.

Men not only forget the mighty deeds which have been performed by their fellow-citizens, but even suspect them of the most nefarious designs.

Liberae sunt enim nostrae cogitationes. 29.

Our thoughts are free.

Exsiliū ibi esse putat, ubi virtuti non sit locus: mortem naturae finem esse, non poenam. 37.

Exile, he thinks, is banishment to a place where virtue is not: death is not punishment, but nature's end.

PRO MURENA

Cedat, opinor, Sulpici, forum castris, otium militiae, stilus gladio, umbra soli: sit denique in civitate ea prima res, propter quam ipsa est civitas omnium princeps. 14. *Pro Murena.*

Let the market yield to the camp, peace to war, the pen to the sword, the shade to the sunshine; let us give the first place in the state to that which has made the state what it is—the ruler of the world.

Nihil est incertius vulgo, nihil obscurius voluntate hominum, nihil fallacius ratione tota comitiorum. 17.

Nothing is more uncertain than the masses, nothing more difficult to gauge than the temper of the people, nothing more deceptive than the opinions of the electors.

Dicunt Stoici, omnia peccata esse paria; omne delictum scelus esse nefarium, nec minus delinquere eum, qui gallinaceum, quam opus non fuerit, quam eum qui patrem suffocaverit: sapientem nihil opinari, nullius rei poenitere, nulla in re falli, sententiam mutare nunquam. 29.

Pro Murena.

The Stoics say that all sins are on an equality; that every fault is a heinous crime; that the man who needlessly wrings the neck of a barndoor fowl is as much a wrong-doer as he who strangles his own father; and that the wise man is never in doubt, never suffers remorse, never makes a mistake, and never changes his mind.

Nunquam sapiens irascitur. 30.

The wise man never loses his temper.

Improbi hominis est mendacio fallere. 30.

It is the act of a bad man to deceive by falsehood.

PRO PLANCIO

Pro Plancio.

Neque est ullum amicitiae certius vinculum, quam consensus et societas consiliorum et voluntatum. 2.

There is no surer bond of friendship than an identity and community of ideas and tastes.

Quod ad populum pertinet, semper dignitatis iniquus iudex est, qui aut invidet aut favet. 3.

So far as the mob is concerned, it is never an unbiassed judge of a man's worth, being swayed either by malice or by partiality.

Non est enim consilium in vulgo, non ratio, non discrimen, non diligentia: semperque sapientes ea quae populus fecisset ferenda, non semper laudanda, duxerunt. 4.

The mob has no judgment, no discretion, no discrimination, no consistency; and it has always been the opinion of men of sense that popular movements must be acquiesced in, but not always commended.

Populo grata est tabella, quae frontes aperit hominum, mentes tegit: datque eam libertatem, ut, quod velint, faciant: promittant autem, quod rogentur. 6.

The voting tablet is pleasing to the people, which holds up to view the countenance, while it conceals the intentions, and gives a man liberty to do what he wishes, but to promise what is asked of him.

Pietas fundamentum est omnium virtutum. 12.

Filial piety is the foundation stone of all the virtues.

Nihil est autem tam volucre quam maledictum: nihil facilius emittitur, nihil citius excipitur, nihil latius dissipatur. 23. *Pro Plancio.*

There is nothing swifter than calumny; nothing is more easily set on foot, more quickly caught up, or more widely disseminated.

Hujus illa vox vulgaris, "audivi," ne quid reo innocenti noceat, oramus. 23.

It is our earnest prayer that an innocent defendant may suffer no injury from evidence of that too common class, the "I have heard."

In virtute sunt multi adscensus. 25.

In the approach to virtue there are many steps.

Virtus, probitas, integritas in candidato, non linguae volubilitas, non ars, non scientia requiri solet. 25.

Virtue, honesty, uprightness are the qualities that are required in a candidate, not fluency of language, nor knowledge of arts and sciences.

M. Cato scripsit: "Clarorum virorum atque magnorum, non minus otii quam negotii, rationem exstare oportere." 27.

Marcus Cato said: "The illustrious and noble ought to place before them certain rules and regulations, not less for their hours of leisure and relaxation than for those of business."

Gratus animus est una virtus non solum maxima, sed etiam mater virtutum omnium reliquarum. 33.

A grateful mind is not only the greatest of virtues, but the parent of all the other virtues.

Quae potest esse vitae jucunditas sublatiis amicitiiis? 33.

What sweetness is left in life if you take away friendship?

Quis est nostrum liberaliter educatus, cui non educatores, cui non magistri sui atque doctores, cui non locus ipse ille mutus, ubi alitus aut doctus est, cum gratâ recordatione in mente versetur? 33.

Who of us is there that has been liberally brought up, who does not gratefully remember those who have brought him up, his masters, and teachers, even that mute place, where he has been nourished and taught?

Pro Plancio. Ego vero haec didici, haec vidi, haec scripta legi; haec de sapientissimis et clarissimis viris et in hac republica et in aliis civitatibus monumenta, nobis literae prodiderunt: non semper easdem sententias ab iisdem, sed, quascumque reipublicae status, inclinatio temporum, ratio concordiae postularet esse defendendas. 39.

I have learnt, seen, and read, that the following are the proper principles for the guidance of man: Ancient records and the annals of literature, both of this state and of others, have handed it down to us as the words of the wise and noble, that the same opinions and sentiments are not invariably to be supported by the same individuals, but that they ought to adopt those which may be required by the circumstances of the times, the position in which the state is placed, and according as the peace and agreement of parties may require.

PRO P. QUINCTIO

Pro P. Quinctio. Fit magna mutatio loci, non ingenii. 3.

There is indeed a change of scene, but not of nature.

Pecuniam si cuiquam fortuna ademit, aut si alicujus eripuit injuria, tamen dum existimatio est integra, facile consolatur honestas egestatem. 15.

If fortune or another's crime has deprived us of our wealth, yet so long as our reputation is untarnished, our character will console us for our poverty.

De quo libelli in celeberrimis locis proponuntur, huic ne perire quidem tacite obscureque conceditur. 15.

He who has once become celebrated in the busy centers of life is not permitted even to die in silence and obscurity.

Jugulare civem ne jure quidem quisquam bonus vult; mavult enim commemorare, se, quum posset perdere pepercisse, quam, quum parcere potuerit, perdidisse. 16.

No honest man desires to cause the death of a fellow-man, even by lawful means; he prefers always to remember that, when he could have destroyed, he spared, rather than that when he could have spared, he destroyed.

PRO REGE DEIOTARO

"Pereant amici, dum una inimici intercidant." [Quoted with disapproval by Cicero] 9. *Pro Rege Deiotaro.*

Let our friends perish, if only our enemies are destroyed with them.

Frugi hominem dici, non multum habet laudis in rege: fortem, justum, severum, gravem, magnanimum, largum, beneficum, liberalem; haec sunt regiae laudes, illa privata est. 9.

Frugality is no great merit in a king; courage, rectitude, austerity, dignity, magnanimity, generosity, beneficence, liberality: these are kingly qualities; frugality befits rather a private station.

Fit in dominatu servitus, in servitute dominatus. 11.

He who should be the master sometimes takes the place of the slave; he who should be the slave becomes the master.

PRO ROSCIO AMERINO

Magna est enim vis humanitatis; multum valet communio sanguinis. Portentum atque monstrum certissimum est, esse aliquem humana specie et figura, qui tantum immanitate bestias vicerit, ut propter quos hanc suavissimam lucem aspexerit, eos indignissime luce privarit. 22. *Pro Roscio Amerino.*

Strong is the bond of our common humanity; great is the tie of kinship. It is a most undeniable portent and prodigy that there should be one having the human shape, who should so exceed the beasts in savage nature as to deprive those of life, by whose means he has himself beheld this most desirable light of life.

Sua quemque fraus, et suos terror maxime vexat: suum quemque scelus agitat, amentiaque afficit: suae malae cogitationes conscientiaeque animi terrent, hae sunt impiis assiduae domesticaeque Furiae; quae dies noctesque parentum poenas a consceleratissimis filiis repetant. 24.

It is the terror that arises from his own dishonest and evil life that chiefly torments a man: his wickedness drives him to and fro, racking him to madness; the consciousness of bad thoughts and worse deeds terrifies him: these are the never-dying Furies that inwardly gnaw his life away; which day and night call for punishment on wicked children for their behavior to their parents.

*Pro Roscio
Amerino.*

"Solon, quum interrogaretur, cur nullum supplicium constituisset in eum, qui parentem necasset, respondit se id neminem facturum putasse." 25.

Solon, when asked why he had not provided any penalty for the parricide, replied that he had not thought any man capable of the crime.

Ut non omnem frugem neque arborem in omni agro reperire possis, sic non omne facinus in omni vita nascitur. 27.

Just as we do not find in every field every fruit and tree, so not every vice is produced in every life.

Is mihi videtur amplissimus qui sua virtute in altiore locum pervenit. 30.

He is, in my opinion, the noblest, who has raised himself by his own merit to a higher station.

L. Cassius ille, quem populus Romanus verissimum et sapientissimum judicem putabat, identidem in causis quaerere solebat, cui bono fuisset. 30.

L. Cassius, whom the Roman people used to regard as the best and wisest of judges, inquired ever and anon at a trial: for whose advantage the deed was committed.

Non enim possumus omnia per nos agere: alius in alia est re magis utilis. 38.

For we cannot do everything by ourselves; different men have different abilities.

PRO ROSCIO COMOEDO

*Pro Roscio
Comoedo.*

Ut ignis in aquam conjectus, continuo restinguitur et refrigeratur: sic refervens falsum crimen in purissimam et castissimam vitam collatum, statim concidit et exstinguitur. 6.

As fire, when it is thrown into water, is cooled down and put out, so also a false accusation, when brought against a man of the purest and holiest character, falls away at once and vanishes.

Sic est vulgus; ex veritate pauca, ex opinione multa aestimat. 10.

The masses are so constituted that they measure but few things by the standard of fact, most by the standard of conjecture. *Pro Roscio Comoedo.*

Quae poena a diis immortalibus perjuro, haec eadem mendaci constituta est. Non enim ex pactione verborum, quibus jusjurandum comprehenditur, sed ex perfidia et malitia dii immortales hominibus irasci et succensere conserunt. 16.

The same punishment which the gods inflict on the perjured is prepared for the liar. For it is not the form of words in which the oath is wrapped up, but the perfidy and malice of the act that excite the wrath and anger of the immortal gods against men.

Qui semel a veritate deflexit, hic non majore religione ad perjurium quam ad mendacium perducere consuevit. 16.

The man who has once deviated from the truth is usually led on by no greater scruples to commit perjury than to tell a lie.

PRO SESTIO

Id quod est praestantissimum, maximeque optabile omnibus sanis et bonis et beatis, cum dignitate otium. 45. *Pro Sestio.*

"That which stands first, and is most to be desired by all happy, honest, and healthy-minded men, is ease with dignity."

Oderint dum metuant. 48.

Let them hate, provided they fear.

Gurges et vorago malorum. 52.

An abyss and gulf of evils.

PRO SULLA

Status enim reipublicae maxime judicatis rebus continetur. 22. *Pro Sulla.*

The solidity of a state is very largely bound up in its judicial decisions.

Neque enim potest quisquam nostrum subito fingi, neque cujusquam repente vita mutari, aut natura converti. 25.

No one of us can suddenly assume a character, or instantly change his mode of life, or alter his nature.

PRO TULLIO

Pro Tullio. O dii immortales (vobis enim tribuam, quae vestra sunt), vos profecto animum meum tum conservandae patriae cupiditate incendistis, vos me ab omnibus caeteris cogitationibus ad unam salutem reipublicae contulistis, vos denique in tantis tenebris erroris et inscientiae clarissimum lumen praetulistis menti suae. XIV.

Ye immortal gods (for I shall grant what is yours), it was you doubtless that then roused me to the desire of saving my country; it was you who turned me away from all other thoughts to the one idea of preserving the Republic; it was you in short who, amidst all that darkness of error and ignorance, held up a bright light before my mind.

Ad damnum adderetur injuria. XVII.

That would be adding insult to injury.

"Haec enim tacita lex est humanitatis, ut ab homine consilii, non fortunae, poena repetatur." Fragment 51.

"It is one of humanity's unwritten laws, that a man has to pay the penalty for the intention, not for the results of his actions."

RHETORICA AD HERENNIUM

Rhetorica Ad Herennium. Esse oportet ut vivas, non vivere ut edas.
Thou shouldst eat to live, not live to eat.

TUSCULANAE DISPUTATIONES

Tusculanae Disputationes. Honos alit artes omnesque incenduntur ad studia gloria: jacentque ea semper, quae apud quosque improbantur.
I, 2.

The honor shown to arts cherishes them, for all are incited by fame to their pursuit; the arts which are contemned by a people ever make but little progress.

Fieri autem potest, ut recte quis sentiat, et id, quod sentit, polite eloqui non possit. Sed mandare quemquam litteris cogitationes suas, qui eas nec disponere, nec illustrare pos-

sit, nec delectatione aliquâ allicere lectorem, hominis est intemperanter abutentis et otio, et litteris. 1, 3.

*Tusculanae
Disputa-
tiones.*

It may happen that a man may think rightly, yet cannot express elegantly what he thinks. But that anyone should commit his thoughts to writing who can neither arrange nor explain them nor amuse the reader is the part of a man which unreasonably abuses both his leisure and learning.

Epicharmi ista sententia :

"Emori nolo : sed me esse mortuum nihil aestimo." 1, 8.

That sentiment of Epicharmus :

I am unwilling to die, but I value myself as nothing when dead.

Dum lego, assentior : cum posui librum, et mecum ipse de immortalitate animorum coepi cogitare, assensio omnis illa elabitur. 1, 11.

While I read, I assent ; when I have laid down the book, and have begun to meditate on the immortality of the soul, all this feeling of acquiescence vanishes.

Antiquitas quo propius aberat ab ortu et divinâ progenie, hoc melius ea fortasse, quae erant vera, cernebat. 1, 12.

Antiquity, the nearer it was to its divine origin, perhaps perceived more clearly what things were true.

Mortem non interitum esse omnia tollentem atque delentem ; sed quandam quasi migrationem commutationemque vitae. 1, 12.

Death is no annihilation, no carrying off and blotting out of everything, but rather, if I may so describe it, a change of abode, and an alteration in our manner of life.

Nulla gens tam fera, nemo omnium tam est immanis, cujus mentem non imbuerit deorum opinio. Multi de diis prava sentiunt, omnes tamen esse vim et naturam divinam arbitrantur. 1, 13.

No nation is so barbarous, no one is so savage, whose mind is not imbued with some idea of the gods. Many entertain foolish ideas respecting them, yet all agree that there is some divine power and nature.

"Omni autem in re consensio omnium gentium lex naturae putanda est." 1, 13.

*Tusculanae
Disputa-
tiones.*

"The unanimous agreement of the nations upon any subject may be considered equivalent to a law of nature."

Arbores serit diligens agricola, quarum adspiciet baccam ipse nunquam. I, 14.

The industrious husbandman plants trees of which he himself will never see a berry.

Nemo umquam sine magna spe immortalitatis se pro patria offerret ad mortem. I, 15.

Nobody could ever meet death in defense of his country without the hope of immortality.

"Quid nostri philosophi? nonne in his libris ipsis, quos scribunt de contemnenda gloria, sua nomina inscribunt?" I, 15.

"What shall we say of our philosophers? Do they not put their names on the title-page of the very books which they write in depreciation of vainglory?"

"Magni autem est ingenii sevocare mentem a sensibus et cogitationem a consuetudine abducere." I, 16.

"The power of separating the intellect from the senses, and reason from instinct, is characteristic of the highest genius."

Errare mehercule malo cum Platone, quem tu quanti facias, scio, quam cum istis vera sentire. I, 17.

By Hercules, I prefer to err with Plato, whom I know how much you value, than to be right in the company of such men.

"Quam quisque norit artem, in hac se exerceat." I, 18.

Let a man practice the profession in which he is best versed.

Natura inest in mentibus nostris insatiabilis quaedam cupiditas veri videndi. I, 19.

Nature has implanted in our minds a certain insatiable desire to behold the truth.

Animum et videre et audire, non eas partes quae quasi fenestrae sunt animi. I, 20.

It is the soul which sees and hears; not those parts of the body which are, in a sense, the windows of the soul.

Mihi quidem naturam animi intuenti, multo difficilior occurrit cogitatio, multoque obscurior, qualis animus in corpore sit, tamquam alienae domui, quam qualis, cum exierit, et in liberum coelum, quasi domum suam venerit. I, 22. *Tusculanae Disputationes.*

When I reflect on the nature of the soul, it is much more difficult for me to conceive of what quality the soul is in the body, where it dwells as in a foreign land, than what it must be like when it has left the body and ascended to heaven, its own peculiar home.

Est illud quidem maximum, animo ipso animum videre: et nimirum hanc habet vim praeceptum Apollinis, quo monet, ut se quisque noscat. Non enim credo, id praecipit, ut membra nostra, aut staturam, figuramve noscamus: neque nos corpora sumus: neque ego tibi dicens, corpori tuo dico. Cum igitur, *Nosce te*, dicit, hoc dicit, Nosce animum tuum. Nam corpus quidem quasi vas est, aut aliquod animi receptaculum. Ab animo tuo quidquid agitur, id agitur acte. Hunc igitur nosse, nissi divinum esset, non esset hoc acrioris cujusdam animi praeceptum, sic, ut tributum deo sit. I, 22.

It is a matter of the greatest importance for the human soul to comprehend its own nature; and doubtless, this is the meaning of Apollo's precept, enjoining everyone to know himself; for I cannot think it directs us to know the different parts of our bodies, or its stature and form. Our bodies do not constitute our being; nor when I discourse with you, is it to your body I address myself. Wherefore, when the oracle says, *Know yourself*, it certainly intends, know your soul. For in fact, the body is no more than the vessel, or receptacle, of the soul; and the actions of the latter can only properly be called the actions of the man. In fine, were not the knowledge of the soul an excellent accomplishment, it could not have passed for an apophthegm of such acuteness, as to have been attributed to a deity.

"Nec me pudet ut istos, fateri nescire quod nesciam." I, 25.

I am not, like some men, ashamed to confess my ignorance when I do not know.

Quorum conversiones, omnesque motus qui animus vidit, is docuit, similem animum suum ejus esse, qui ea fabricatus est in coelo. I, 25.

The mind that has comprehended the revolutions and the complicated movements of the heavenly bodies has proved that it

*Tusculanae
Disputa-
tiones.*

resembles that of the Being who has fashioned and placed them in the vault of heaven.

Philosophia, omnium mater artium, quid est aliud, nisi, ut Plato ait, donum, ut ego, inventum deorum? Haec nos primum ad illorum cultum, deinde ad jus hominum, quod situm est in generis humani societate, tum ad modestiam, magnitudinemque animi erudit: eademque ab animo, tamquam ab oculis, caliginem dispulit. I, 26.

Philosophy, the mother of all arts, what else is it, except, as Plato says, the gift, or as I say, the invention, of the gods? It is she that has taught us first to worship them, next has instructed us in the legal rights of mankind, which arise out of the social union of the human race, then has shown us the moderation and greatness of the mind; and she too has dispelled darkness from the mind as from the eyes.

Ita quidquid est illud, quod sentit, quod sapit, quod vivit, quod viget, coeleste et divinum est ob eamque rem aeternum sit necesse est. I, 27.

Whatever that principle is which feels, conceives, lives, and exists, it is heavenly and divine, and therefore must be eternal.

Mentem hominis, quamvis eam non videas, ut deum non vides: tamen ut deum agnoscis ex operibus ejus, sic ex memoria rerum, et inventione, et celeritate motus, omnique pulchritudine virtutis vim divinam mentis agnoscito. I, 29.

Although thou art not able to see the mind of man, as thou seest not God, yet as thou recognizest God from His works, so thou must acknowledge the divine power of the mind from its recollection of past events, its powers of invention, from its rapidity of movement, and the desire it has for the beautiful.

Cygni providentes quid in morte boni sit, cum cantu et voluptate moriantur. I, 30.

The swan, foreseeing how much good there is in death, dies with song and rejoicing.

Vetat dominans ille in nobis deus, injussu hinc nos suo demigrare. I, 30.

That divine principle that rules within us forbids us to leave this world without the order of the Deity.

Tota philosophorum vita commentatio mortis est. I, 30. *Tusculanae Disputationes.*
 The whole life of philosophers is a commentary on death.

Ita enim censebat, itaque disseruit, duas esse vias, duplicesque cursus animorum e corpore excedentium, nam qui se humanis vitiis contaminavissent, et se totos libidini-bus dedissent, quibus coecati, vel domesticis vitiis atque flagitiis se inquinavissent, vel republica violanda fraudes inexpiabiles concepissent, iis devium quoddam iter esse, seclusum a concilio deorum. Qui autem se integros, castosque servavissent, quibusque fuisset minima cum corporibus contagio, seseque ab his semper sevocassent, essentque in corporibus humanis vitam imitati deorum: his ad illos, a quibus essent profecti, reditum facilem patere. I, 30.

The opinion of Socrates was to the following effect, and thus he spoke: There are two roads and two directions which souls take on leaving the body. Those who have spent their lives in vicious practices, giving themselves wholly up to the lusts of the body, so as to become blinded to all that is good, or who have sunk into the mire of private filth and wickedness, or who have committed in-expiable crimes against their country, such go to a separate abode, away from the gods. Those, on the other hand, who have kept themselves pure and chaste, little subject to fleshly lusts, but imitating the life of the gods, find no difficulty in returning to those from whom they came.

Aristoteles quidem ait: "Omnes ingeniosos melancholicos esse." I, 33.

Aristotle says that all men of genius are melancholy.

Ut nihil pertinuit ad nos ante ortum, sic nihil post mortem pertinebit. I, 38.

As we possessed nothing before birth, so will nothing remain to us after death.

Natura dedit usuram vitae, tamquam pecuniae, nulla praestituta die. I, 39.

Nature has bestowed on us life at interest like money, no day being fixed for its repayment.

"Dic, hospes, Spartae, nos te hic vidisse jacentes,
 Dum sanctis patriae legibus obsequimur."

[*Epitaph of the Three Hundred at Thermopylae*] I, 42.

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tiones.*

Go tell the Spartans, thou that passest by,
That here obedient to their laws we lie.

Undique enim ad inferos tantundem viae est. I, 43.
There are innumerable roads on all sides to the grave.

Nemo parum diu vixit, qui virtutis perfectae perfecto
functus est munere. I, 45.

Every man has lived long enough who has gone through all the
duties of life with unblemished character.

Gloria virtutem tamquam umbra sequitur. I, 45.
Glory follows virtue as if it were its shadow.

Non nasci homini longe optimum esse (docuit); proxi-
mum autem, quam primum mori. I, 48.

He taught that by far the happiest fate for a man was not to be
born; the next happiest, to die very early.

Non enim temere nec fortuito sati et creati sumus, sed
profecto fuit quaedam vis, quae generi consuleret humano:
nec id gigneret, aut aleret, quod, cum exantlavisset omnes
labores, tum incideret in mortis malum sempiternum, por-
tum potius paratum nobis et perfugium putemus. I, 49.

For we have not been framed or created without design nor by
chance, but there has been truly some certain power, which had
in view the happiness of mankind; neither producing nor main-
taining a being, which, when it had completed all its labors, should
then sink into the eternal misery of death: rather let us think that
there is a haven and a refuge prepared for us.

Supremus ille dies non nostri extinctionem sed commuta-
tionem affect loci. I, 49.

That last day brings to us, not extinction, but only change of
place.

Non enim temere nec fortuito sati et creati sumus. I, 49.
We were not begotten and born for nothing, or haphazard.

Quotus quisque philosophorum invenitur, qui sit ita mora-
tus, ita animo ac vita constitutus, ut ratio postulat? II, 4.

How few philosophers are there whose habits, mind, and lives
are constituted as reason demands.

Agri non omnes frugiferi sunt. II, 5.

All fields are not fruitful.

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tiones.*

Ut ager quamvis fertilis sine cultura fructuosus esse non potest, sic sine doctrina animus. II, 5.

A mind without instruction can no more bear fruit than can a field, however fertile, without cultivation.

Cultura animi, philosophia est: haec extrahit vitia radicis, et praeparat animos ad satus accipiendos. II, 5.

Philosophy is the cultivation of the mental faculties; it roots out vices and prepares the mind to receive proper seed.

Qui alteri exitium parat,
Eum scire oportet sibi paratam pestem, ut participet
parem." II, 17.

He who is preparing destruction for another may be certain that his own life is in danger.

Consuetudinis magna vis est. II, 17.

Great is the force of habit.

Domina omnium et regina ratio. II, 21.

Reason is the mistress and queen of all things.

Hoc quidem in dolore maxime est providendum, ne quid abjecte, ne quid timide, ne quid ignave, ne quid serviliter muliebriterve faciamus. II, 23.

When in deep sorrow, we must be specially careful to do nothing which savors of dejection or timidity, of cowardice, servility, or womanishness.

Non sentiunt viri fortes in acie vulnera. II, 24.

In the stress of battle brave men do not feel their wounds.

Tuo tibi iudicio est utendum: tibi si recta probanti placebis, tum non modo tu te viceris, . . . sed omnes et omnia. II, 26.

You must use your own judgment on yourself: if, when you are testing what is right, you succeed in pleasing yourself, then you have overcome not yourself only, but all men and all things.

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tiones.*

Mihi quidem laudabilia videntur omnia, quae sine venditione et sine populo teste fiunt: non quo fugiendus sit (omnia enim benefacta in luce se collocari volunt), sed tamen nullum theatrum virtuti conscientia majus est. II, 26.

Whatever is done without ostentation, and without the people's being witnesses of it, is, in my opinion, most praiseworthy; not that the public eye should be entirely avoided, for good actions desire to be placed in the light; but notwithstanding this, the greatest theater for virtue is conscience.

Nunc autem, simul atque editi in lucem, et suscepti sumus, in omni continuo pravitate, et in summâ opinionum perversitate versamur, ut paene cum lacte nutricis errorem suxisse videamur. III, 1.

Now as soon as we have been ushered into the light of day and brought up, at once we become engaged in every kind of wicked practice and the utmost perversity, so that we seem to have sucked in error almost with our nurse's milk.

Est enim gloria, solida quaedam res, et expressa, non adumbrata; ea est consentiens laus bonorum, incorrupta vox bene judicantium de eccellente virtute; ea virtuti resonat, tamquam imago, quae quia recte factorum plerumque comes est, non est bonis viris repudianda. III, 2.

Glory is something that is really and actually existing, and not a mere sketch; it is the united expression of approval by the good, the genuine testimony of men who have the power of forming a proper judgment of virtuous conduct; it is the sound given back by virtue, like the echoes of the woods, which, as it usually attends on virtuous actions, is not to be despised by the good.

Morbi perniciosiores pluresque sunt animi quam corporis. III, 3.

The diseases of the mind are more destructive and in greater number than those of the body.

Est profecto animi medicina, philosophia. III, 3.

The true medicine of the mind is philosophy.

In animo perturbato, sicut in corpore, sanitas esse non potest. III, 4.

When the mind is in a disturbed state, health cannot exist, even as is the case with the body.

Nimirum haec est illa praestans et divina sapientia, et perceptas penitus et pertractatas res humanas habere; nihil admirari, cum acciderit; nihil, antequam evenerit, non evenire posse arbitrari. III, 14. *Tusculanae Disputationes.*

The highest, the divine wisdom consists in having investigated and mastered the innermost nature of all that pertains to mankind; in being surprised at nothing which happens, and in believing, before the event, that everything is possible.

Epicurus censet stultam esse meditationem futuri mali aut fortasse ne futuri quidem: satis esse odiosum malum omne, cum venisset. III, 15.

Epicurus thinks that it is foolish to anticipate future evils, which may never happen: "sufficient unto the day is the evil thereof."

"Reddenda est terra terrae." III, 25.

Dust must be consigned to dust.

"Mortalis nemo est, quem non attingat dolor, Morbusque." III, 25.

There is no mortal whom pain and disease do not reach.

Stultum est in luctu capillum sibi evellere, quasi calvitio maeror levaretur. III, 26.

It is folly to tear one's hair in sorrow, as if grief could be assuaged by baldness.

Est proprium stultitiae, aliorum vitia cernere, oblivisci suorum. III, 30.

It is the peculiar quality of a fool to be quick in seeing the faults of others, while he easily forgets his own.

Quid praeclarum, non idem arduum? III, 34.

What is there that is illustrious, that is not also attended by labor?

Est Zenonis haec definitio, ut perturbatio sit, aversa a recta ratione, contra naturam, animi commotio. Quidam brevius, perturbationem esse appetitum vehementiorem: sed vehementiorem eum volunt esse, qui longius disceserit a naturae constantia. Partes autem perturbationum volunt ex duobus opinatis bonis nasci, et ex duobus opina-

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tiones.*

tis malis: ita esse quatuor. Ex bonis libidinem, et laetitiam; ut sit laetitia, praesentium bonorum; libido, futurorum. Ex malis, metum, et aegritudinem nasci censent: metum, futuris; aegritudinem, praesentibus. Quae enim venientia metuuntur, eadem efficiunt aegritudinem instantia. IV, 6.

Zeno defines all passion to be a commotion of the soul, opposite to right reason, and contrary to nature. Others, in fewer words, that it is an excessive appetite, or such as exceeds the bounds prescribed by nature. Now, according to these men, there are two kinds of good, and as many of evil, whence arise so many passions. Those, arising from good, are joy and desire; the former resulting from a good in possession, and the latter from that in expectation. The passions supposed to spring from evil are sorrow and fear; sorrow regards present evil, and fear that which is to come; for whatever excites fear, when in prospect, naturally raises sorrow, when present.

Ira est libido puniendi ejus, qui videatur laesisse injuriâ.
IV, 9.

Anger is the desire of punishing the man who seems to have injured you.

Odium est ira inveterata. IV, 9.

Hatred is ingrained anger.

Discordia est ira acerbior odio, intimo corde concepta.
IV, 9.

Discord is anger more bitter than hatred, conceived in the inmost breast.

Omnium autem perturbationum fontem esse dicunt intemperantiam; quae est a tota mente defectio, sic aversa a praescriptione rationis, ut nullo modo appetitiones animi nec regi nec contineri queant. IV, 9.

The source of the passions is want of moderation, which is a revolt against the intellectual faculties, and so opposed to the dictates of reason as to destroy all control and restraint of our desires.

Cum est concupita pecunia, nec ratio sanat cupiditatem, existit morbus animi eique morbo nomen est avaritia.
IV, 11.

When money is coveted, and reason does not cure the desire, there a disease of the mind exists, and that disease is called "avarice." *Tusculanae Disputationes.*

Ita fit ut corruptione opinionum morbus fit. IV, 13.

Hence it happens that mental diseases take their rise from the corrupt state of the sentiments.

Si ridere concessum sit, vituperatur tamen cachinnatio. IV, 31.

Though a laugh is allowable, a horse-laugh is abominable.

Virtus hominem jungit Deo. IV, 45.

Virtue joins man to God.

O vitae philosophia dux! O virtutis indagatrix, expultrixque vitiorum! quid non modo nos, sed omnino vita hominum sine te esse potuisset? tu urbes peperisti: tu dissipatos homines in societatem vitae convocasti: tu eos inter se primo domiciliis, deinde conjugiiis, tum litterarum, et vocum communione junxisti: tu inventrix legum, tu magistra morum, et disciplinae fuisti: ad te confugimus: a te opem petimus. Est autem unus dies bene, et ex praeceptis tuis actus, peccanti immortalitati anteponendus. V, 2.

Philosophy, thou guide of life! Thou searcher after virtue, and banisher of vice! What would not only we ourselves, but the whole life of men, have been without thy aid? It is thou that foundedst cities, collectedst men in social union; thou that broughtest them together first in dwellings, then in marriage, then in all the delights of literature; thou discoveredst laws, bestowedst on men virtuous habits: to thee we fly for aid. One day spent virtuously, and in obedience to thy precepts, is worth an immortality of sin.

Socrates primus philosophiam devocavit e coelo, et in urbibus collocavit, et in domos etiam introduxit, et coegit de vita, et moribus, rebusque bonis et malis quaerere. V, 4.

Socrates was the first who brought down philosophy from heaven, introducing it into the abodes of men, and compelling them to study the science of life, of human morals, and the effects of things good and bad.

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tiones.*

"Vitam regit fortuna, non sapientia." v, 9.

It is fortune, not wisdom, that rules the life of man.

Unde igitur ordiri rectius possumus quam a communi parente natura? quae quicquid genuit, . . . in suo quidque genere perfectum esse voluit. v, 13.

How then can we be more fitly ordered than by our common mother Nature, whose aim has been that whatsoever she produced should be perfect after its kind?

Accipere quam facere injuriam praestat. v, 19.

It is far better to receive than to do an injury.

Suum cuique pulchrum est. v, 22.

His own is beautiful to each.

Suum cuique. v, 22.

To every one his own.

Adhuc neminem cognovi poetam . . . qui sibi non optimus videretur. Sic se res habet; te tua, me delectant mea. v, 22.

I have never yet known a poet who did not think himself the greatest in the world. That is the way of things; you take delight in your works, I in mine.

Ipsa cogitatio de vi et natura deorum, studium incendit illius aeternitatis imitandae. v, 25.

The very meditating on the power and nature of God excites the desire to imitate that eternal Being.

Ne mente quidem recte uti possumus, multo cibo et potione completi. v, 35.

We cannot use the mind aright, when the body is filled with excess of food and drink.

"Haec habeo, quae edi, quaeque exsaturata libido
Hausit: at illa jacent multa et praeclara relictæ."
(*Epitaph on Sardanapalus.*) v, 35.

What I have eaten is mine, and all my satisfied desires; but I leave behind me all those splendid joys which I have not tasted.

Quid est enim dulcius otio literato? v, 36.

What is more delightful than lettered ease?

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tiones.*

"Patria est ubicumque est bene."

Socrates quidem cum rogaretur, cujatem se esse diceret, Mundanum, inquit. Totius enim mundi se incolam, et civem arbitrabatur. v, 37.

Our country is wherever we find ourselves to be happy.

When Socrates was asked to what country he belonged, he said that he was a citizen of the world. For he thought himself an inhabitant and citizen of the whole universe.

Humanus autem animus decerptus ex divina mente, cum alio nullo nisi cum ipso deo, si hoc fas est dictu, comparari potest. v, 38.

The human soul, being an offshoot of the divine mind, can be compared with nothing else, if it be not irrelevant to say so, than with God himself.

Loquor enim de docto homine et erudito, cui vivere est cogitare. v, 38.

I speak of a man of learning and erudition, to whom to live is to think.

Qui secum loqui poterit, sermonem alterius non requiret. v, 40.

He who can commune with himself does not seek for speech with others.

Mihi quidem in vita, servanda videtur illa lex, quae in Graecorum conviviis obtinetur: "Aut bibat," inquit, "aut abeat." v, 40.

In life we ought, in my opinion, to observe that rule, which prevails in the banquets of the Greeks: "Let him either drink or depart."

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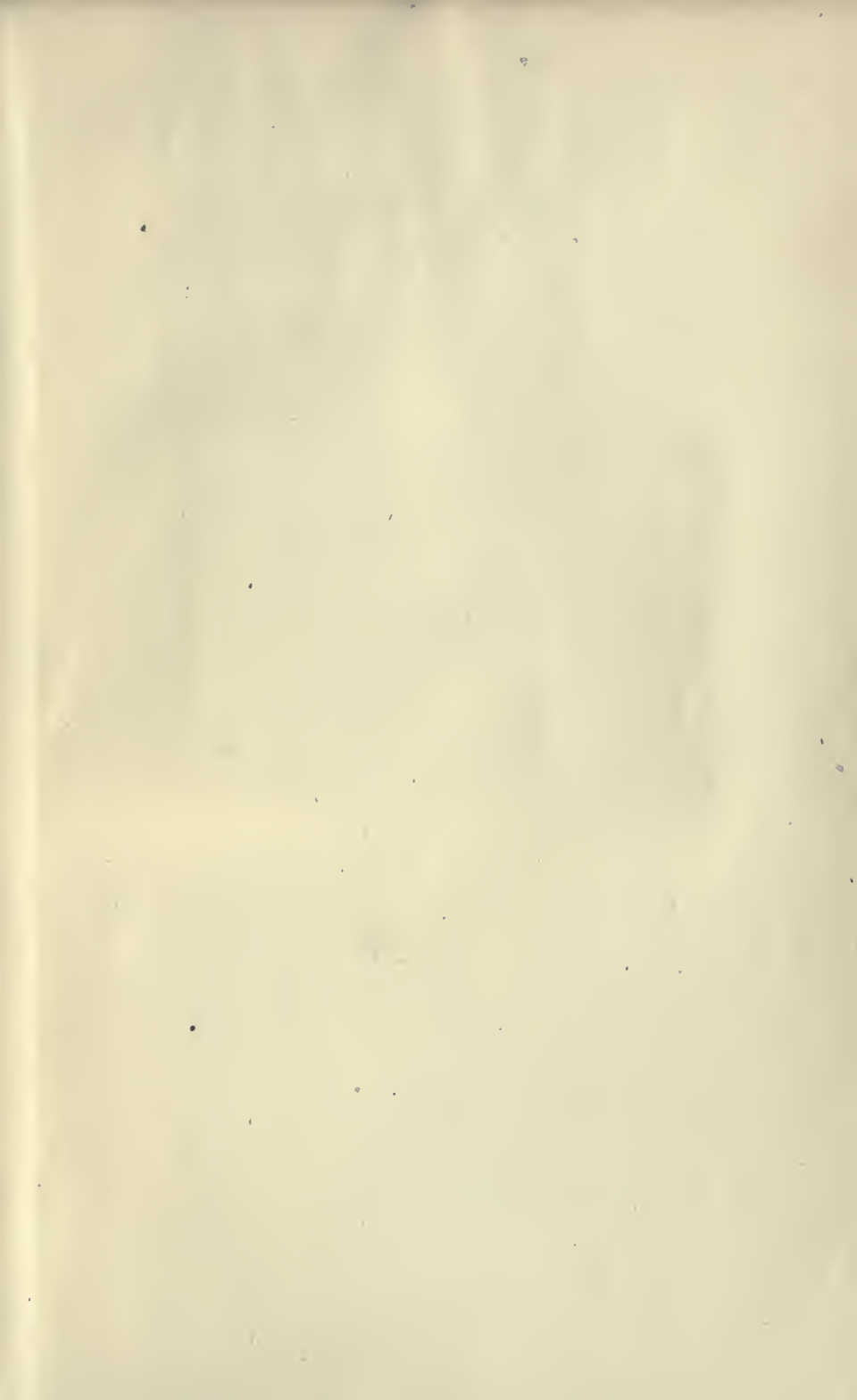
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